

**Marlboro Central School District**

**STUDENTS  
(Section 7000)**

**NUMBER**

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**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY****Overview**

It is the goal of the Marlboro Central School District to ensure that each student attend school the maximum number of days possible, and to afford each student the opportunity to meet his/her potential. We, therefore, institute this policy.

**Purpose**

Good attendance and class participation are essential ingredients for academic success. Any absence from class is detrimental to the learning process. Classroom lessons foster and require social interaction, development of effective communication skills, and critical thinking in addition to subject mastery. Textbook or make-up assignments are not an adequate substitute for classroom attendance and participation.

In order to achieve educational goals and to maintain a true academic environment, students must attend their classes at least the required number of times. Students who fail to meet the minimum attendance and course work requirements will receive no credit for that course.

**Attendance Requirements**Applicability

All students of compulsory education age who reside legally within the District must attend school. Legal school age and legal residence are determined by the Board of Education in accordance with state requirements as set forth in New York State Education Law §§3202, 3205 to 3208, 3209 to 3210, and 8 NYCRR §100.2.

Notification Regarding Attendance Policy

- a) Student Notification
  1. School Handbooks which shall include the District's attendance policy shall be distributed to all students.
  2. If a student misses a class period or school day without an excuse, a designated staff person may review attendance requirements with the student upon his/her return to school.
  3. School newsletters and publications may include periodic reminders of attendance requirements.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

4. Students who are unable to attend class period/day due to their participation in a school sponsored activity (e.g., field trip, music lessons, etc.) and who arrange with their teachers to makeup missed work, shall be given credit for class participation on the class day/period missed.
- b) Consequences for Exceeding Absences Without Making Up Classwork
1. Any student who does not meet the course requirements of 85% attendance AND does not make up assigned class work pursuant to Section III(C) will:
    - (a) Receive an NE (Not Eligible) grade for the course;
    - (b) Not be eligible to take any local final examination for that course;
    - (c) Receive no final grade; and
    - (d) Receive no credit for the course.
  2. If a student loses credit in a course he/she may request a meeting with his/her guidance counselor to discuss all remaining options.
  3. The parent/guardian will also be notified of denial of credit in writing and by telephone.
- c) Summer School Courses

Students may complete a course in summer school only if they have attended the regular school-year course for all quarters of the course and have not exceeded 70 absences in a full-year course or 35 absences in a half-year course. (Physical Education falls in the 35 absence category).

**Attendance Taking Procedures [Effective July 1, 2003]**

- a) Kindergarten – Grade 5

Attendance shall be recorded after being taken once per school day. If students are dismissed from school grounds during a lunch period, attendance shall be taken and recorded a second time after the lunch period.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

## b) Grades 6 – 12

Attendance shall be recorded during each class period of scheduled instruction (including instructional or supervised study activities). If a student does not change classrooms between class periods, attendance will be recorded once per day, and if students are dismissed from school grounds during a lunch period, the students presence or absence will be recorded a second time upon return from the lunch period.

**Maintenance of the Attendance Register**

- a) For each student, the register of attendance must include:
1. Name;
  2. Date of Birth;
  3. Date of enrollment;
  4. Parent/Guardian's full name;
  5. Address where student resides;
  6. Phone number(s) where Parent/Guardian may be contacted;
  7. ALL absences, tardiness, or early departures during school day, in whole or in part, excused or unexcused;
  8. Appropriate coding to identify the nature of the absence (full day, class cut);
  9. Dates of school closings for all or part of the day of scheduled instruction due to extraordinary circumstances, including: adverse weather conditions, heating problems, lack of water or fuel, or destruction or damage to a school building; and
  10. Date a student withdraws from, or is dropped from enrollment.
- b) A teacher or a district employee designated by the Board of Education will make entries on the Attendance Register. All entries must be verified by the oath or affirmation of the person taking attendance.
- c) When additional information is received from a student during a student/staff conference that requires corrections to be made to a student's attendance records, such corrections will be made immediately. Notice of the change will be sent to appropriate school personnel (e.g., homeroom teachers, attendance officer, etc.).

**Attendance Incentives**

The District will design and implement incentives to acknowledge students' efforts to maintain or improve school attendance.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)****Incremental Interventions**

The District will maintain a system of specific incremental intervention strategies to identify and alleviate the attendance problems in their early stages. For example:

- Cut 1 - for the first class cut the student will receive afterschool detention.
- Cut 2 - A second cut in a particular class will result in in-school suspension.
- Cut 3 - A third cut in a particular class will result in in-school suspension.
- Cut 4 - A fourth cut in a particular class will result in out-of-school suspension.
- Cut 5 - A fifth cut in a particular class will result in a two-day out-of-school suspension.

Any discipline imposed as a result of unexcused absences shall be consistent with the District-wide Code of Conduct.

**Appeals**

- a) All appeals will be made directly to the principal or other designated administrator who will make the final decision regarding the withholding of credit.
- b) Appeals may be made to:
  - 1. Challenge the number of absences on record;
  - 2. Ascertain whether it appears that there has been a denial of credit which would be inconsistent with the IDEA or §504 Plan and if appropriate, refer to the CSE or §504 Team for an appropriate determination;
  - 3. Consider "extenuating circumstances."
- c) Parent/Guardian will have 20 calendar days from the issue of the written Notification of Denial of Credit to appeal. (If parent is successful on appeal, the Attendance Register will be changed to reflect outcome of Appeal's process).

**Responsibilities**

Successful implementation of any attendance policy requires cooperation among all members of the educational community including parents, students, teachers, administration and support staff.

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)**

- a) Students' Responsibilities
  - 1. Students must attend school daily and on time.
  - 2. Students must attend all classes.
  
- b) Teachers' Responsibilities
  - 1. Provide make-up assignment when requested by a student with an excused absence.
  - 2. Notify Parent/Guardian of attendance problems via comments on progress reports and on report cards.
  - 3. Forward to Administration any required paperwork or notice indicating student absences.
  
- c) Administration's Responsibilities
  - 1. When a student cuts class or is otherwise absent without excuse, designated staff member(s) will notify the student's parent(s)/guardian(s) and review the attendance policy.
  - 2. Notify the student and parent/guardian when the teacher of the course has provided notice of unexcused absence(s). Hold at least one meeting to explain the attendance policy to the student.
  - 3. Notify the student and parent/guardian when the student has exceeded a certain number of absences without making up course work, such that credit is being denied in the course.
  - 4. Notify the student's guidance counselor upon receipt of notice of 6/10 unexcused absences.
  - 5. Review of Attendance Records:
    - (a) Each building must have a person(s) who is designated attendance officer and principal to address unexcused absences, tardiness, and early departures.
    - (b) Attendance records must be reviewed by the designated attendance officer and principal to address unexcused absences, tardiness and early departures. [Beginning 2003-2004 school year].

(Continued)

**SUBJECT: COMPREHENSIVE STUDENT ATTENDANCE POLICY (Cont'd.)****Guidance Counselors' Responsibilities**

- a) Counsel students individually when they first receive a notification of excessive absences in any subject area. One meeting with the counselor will be sufficient for all subject areas.
- b) Meet with the students who request to discuss options upon denial of credit.

Education Law Sections 3024, 3025, 3202, 3205, 3206,  
3210, 3211, and 3213  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 104.1, 109.2 and 175.6

(Continued)

**SCHOOL DISTRICT ATTENDANCE POLICY SUMMARY**

- All students must attend school **daily** and **on time**.
- ALL absences, lateness, or early departures** (excused or unexcused) are counted on a student's attendance record.
- If a student exceeds 28 illegal absences for a full year class, or 14 illegal absences for a half-year course, he/she will not receive credit for that course.**
- If your child is going to leave early during a school day, written documentation must be provided.
- When your child returns to school, you must provide a written explanation for his/her absence or lateness.
- Students will not be allowed to make-up assignments for unexcused absence(s).**
- Excused/Legal Absences are absences due to:
  - Personal illness;
  - Illness or death in the family;
  - Disability;
  - Impassable roads or weather;
  - Religious observance;
  - Quarantine;
  - Required court appearance;
  - Attendance at health clinics;
  - Approved college visits;
  - Approved cooperative work programs;
  - Military obligations; or
  - Such other reasons as may be approved by the Commissioner of Education.
- You will be notified in writing and/or by telephone when your child is absent, late, or leaves early from school without an excuse.
- If you have any questions about this policy, you may contact the school's office at:  
( ) \_\_\_\_\_.

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Students

**SUBJECT: RELEASED TIME OF STUDENTS**

Written requests from the parent/guardian for the release of students generally will be honored. The appropriate time and reason for absence shall be recorded on the attendance record, using the procedures mandated by the state.

The building principal shall assume this responsibility or shall designate an individual to review and approve all requests.

8 New York Code of Rules and Regulations  
(NYCRR) Section 109.2

Adopted: 8/19/04

**SUBJECT: AGE OF ENTRANCE****Kindergarten**

Students who are legal residents of the School District and who reside with parents or guardians within the School District at the time of the opening day of school must be five (5) years of age or more on December 1 in order to register for Kindergarten.

A child who transfers into the School District at any time during the school year may be considered for admission to Kindergarten by the Superintendent provided:

- a) The parents were not legal residents of the School District on the opening day of school, and
- b) The child has been registered and enrolled in kindergarten in the district in which his/her parents were legal residents.

**Other Grades**

Admission of children to other grades shall involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

**Proof of Age**

A student's birth certificate or other satisfactory evidence of age shall be presented at the time of initial registration. The child shall be entered under his/her legal name.

Education Law Sections 1712, 3202 and 3212

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS**

The Board of Education shall provide for the screening of every new entrant to school to determine which students may have disabilities, may be gifted or may be of limited English proficiency. A new entrant means a pupil entering the New York State public school system for the first time, or re-entering a New York State public school with no available record of a prior screening. Such diagnostic screening shall be conducted:

- a) By persons appropriately trained or qualified;
- b) In the student's native language if the language of the home is other than English;
- c) In the case of new entrants, prior to the school year, if possible, but no later than December 1 of the school year of entry or within fifteen (15) days of transfer of a student into a New York State public school should the entry take place after December 1 of the school year;
- d) In the case of students who score below the state reference point on New York State assessment tests, within thirty (30) days of the availability of the test scores.

Such screening shall include, but not be limited to the following:

- a) A physical examination by a physician/nurse practitioner or submission of a health certificate in accordance with Sections 901, 903, and 904 of the Education Law, including proof of immunization as required by Section 2164 of the Public Health Law;
- b) An assessment of motor development, of receptive and expressive language development, articulation skills, and cognitive ability in the student's native language, if the language of the home is not English.

If such screening indicates a possible disability, a referral shall be made to the Committee on Special Education (CSE) no later than fifteen (15) calendar days after completion of such diagnostic screening.

If such screening indicates a possibly gifted child, the name and finding shall be reported to the Superintendent of Schools and to the parents/guardians no later than fifteen (15) calendar days after completion of such screening. The term gifted child is defined as a child who shows evidence of high performance capability and exceptional potential in areas such as general intellectual ability, special academic aptitude and outstanding ability in visual and performing arts. Such definition shall include those children who require educational programs or services beyond those normally provided by the regular school program in order to realize their full potential.

(Continued)

**SUBJECT: SCREENING OF NEW SCHOOL ENTRANTS (Cont'd.)**

If such screening indicates a child identified as possibly being of limited English proficiency, such child shall be referred for further evaluation in accordance with the Regulations of the Commissioner of Education to determine eligibility for appropriate transitional bilingual or free-standing ESL programs.

**Reporting to Parents**

Parents/guardians of children to be screened shall receive information in advance regarding the purpose of screening, the areas to be screened and the referral process. The information shall be communicated either orally or in writing in the parents' primary language(s). This information will be provided during the registration interview.

Parents/guardians have the right to request information regarding their child's performance during screening. They shall have access to the screening results and obtain copies upon request.

**Confidentiality of Information**

The Board of Education's policy and administrative regulations in accordance with the Family Educational Rights and Privacy Act of 1974 shall apply to all information collected about a child through the screening program. In accordance with the policy and regulations, parents shall be informed of their right to privacy, their right to access to the records and their right to challenge those records should they be inaccurate, misleading or otherwise inappropriate.

Family Educational Rights and Privacy Act of 1974  
20 United States Code (USC) Section 1232(g)  
Education Law Sections 901, 903, 904, 914 and  
3208(5)  
Public Health Law Section 2164  
8 New York Code of Rules and Regulations  
(NYCRR) Parts 117 and 154

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY****Ages of Attendance/Compulsory Attendance Age**

According to Education Law, a student who becomes six (6) years of age on or before the first of December in any school year shall be required to attend full-time instruction from the first day that the District schools are in session in September of such school year, and a student who becomes six (6) years of age after the first of December in any school year shall be required to attend full-time instruction from the first day of session in the following September. Except as otherwise provided in Education Law Section 3205(3), a student shall be required to remain in attendance until the last day of session in the school year in which the student becomes sixteen (16) years of age. In all city school districts, union free and central school districts having a population of more than 4,500 inhabitants and employing a Superintendent of Schools, the Board of Education may choose to require students who are not employed to attend full-time instruction until the end of the school year in which the student turns seventeen (17) years of age. The residence of children dwelling within the District boundaries shall be established in a manner consistent with State Law and the Regulations of the Commissioner.

All persons dwelling within the District who are between the ages of five (5) years and twenty-one (21) years and who have not received a high school diploma shall be entitled to enroll in the District.

**Determination of Student Residency**

The Board of Education or its designee shall determine whether a child is entitled to attend a District school. Any adverse residency decision by a school official, other than the Board or its designee, shall include written notice to the parent/guardian of the procedures for obtaining review of the decision within the District.

Regulations will be developed to implement the terms of this policy.

**Children Living With Noncustodial Parents**

A child's residence is usually determined by the residence of the custodial parent. However, a noncustodial parent who resides in the District may enroll his/her child in a District school if he/she shares the day-to-day responsibilities for the child and the custodial parent designates the child's residence with the noncustodial parent.

(Continued)

Students

**SUBJECT: ENTITLEMENT TO ATTEND -- AGE AND RESIDENCY (Cont'd.)****Homeless Children**

The parent/guardian of a homeless child, or a homeless child if no parent/guardian is available, or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

**Children of Activated Reserve Military Personnel**

Students temporarily residing outside the boundaries of the District, due to relocation necessitated by the call to active military duty of the student's parent or person in parental relationship, will be allowed to attend the public school that they attended prior to the relocation. However, the District is not required to provide transportation between a temporary residence located outside the District and the school the child attends.

**Emancipated Minors**

A determination of whether a student is to be designated as an emancipated minor in the Marlboro Central School District will be based on evidence that the student is no longer under custody, control and support of his/her parents. To establish emancipation, a minor may submit documentation of his/her means of support, proof of residency and an explanation of the circumstances surrounding the student's emancipation, including a description of the student's relationship with his/her parents.

These statements are renewable each school year. If at any time the above information is changed without prompt notification or proven to be false, the parent/guardian and/or student may be subject to legal action.

McKinney-Vento Homeless Education Assistance Act,  
Section 722, as reauthorized by the No Child Left  
Behind Act of 2001  
Education Law Sections 2045, 3202, 3205, 3209 and  
3212(4)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.2(x) and (y)

NOTE: Refer also to Policy #7132 -- Education of Homeless Children and Youth

Adopted: 8/19/04

## Students

**SUBJECT: NON-RESIDENT STUDENTS**

Non-resident families who wish to enroll children in the School System shall submit a request in writing to the Superintendent, who shall determine whether or not the student(s) will be admitted. The Superintendent will also determine which building the student will attend. The following guidelines will be followed:

- a) Parents/guardians must work out transfer conditions with home school district.
- b) There is sufficient space to accommodate the non-resident student;
- c) No increase in the size of faculty or staff will be necessary to accommodate them;
- d) All rules and regulations in effect for District students will be applicable to non-District students.
- e) A student whose parents intend to become residents of the Marlboro Central School District within sixty (60) days of the beginning of the semester in which the enrollment is sought may enter the school if they can provide bona-fide evidence of their intent; i.e., sales contract, deed, etc.
- f) A student who moves from the District after completion of the first semester of the year preceding his/her anticipated graduation year may be given permission to remain in the Marlboro Central School District until graduation.
- g) Students of any grade level who move from the Marlboro Central School District during the school year may be given permission to finish the semester in which the move occurs.
- h) Foreign students participating in a recognized Student Exchange Program may attend District schools. The administration is authorized to file with the U.S. Immigration and Naturalization Service the forms necessary for such students to obtain a student visa. The District will neither sponsor nor accept for admission students whose permanent residence is outside of the United States who are not participating in a recognized foreign student exchange program.
- i) In all cases described above and any unusual circumstances not covered above, a written request must be submitted to the Superintendent.

Non-resident families must provide their own transportation.

Tuition may be charged to families of non-resident students in accordance with formulas approved by the State Education Department.

Education Law Sections 1709(13), 2045 and 3202  
8 New York Code of Rules and Regulations  
(NYCRR) Section 174.2

Adopted: 8/19/04

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence; including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
  1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4),(5),(6),(6a) or (7) or pursuant to Article 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their nonhomeless counterparts. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

The District shall also establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth; and provide a written explanation, including a statement regarding the right to appeal in accordance with law, to the homeless child's or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or the school requested by the parent or guardian.

**School District Liaison for Homeless Children and Youth**

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments.

(Continued)

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Reporting Requirements**

The School District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

McKinney-Vento Homeless Education Assistance Act,  
as reauthorized by the No Child Left Behind Act of  
2001  
42 United States Code (USC) Section 11431 et seq.  
Education Law Section 3209  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(x)

2004

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Students

**SUBJECT: INVOLUNTARY TRANSFER OF STUDENTS**

Involuntary transfer of a student from regular classroom instruction to an appropriate educational setting in another school shall be in accordance with Education Law.

Education Law Sections 1709(3) and 3214(5)

Adopted: 8/19/04

**SUBJECT: SCHOOL CENSUS**

In small city school districts, the Board of Education shall constitute a permanent census board in each such city. The Board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among children within the prescribed census age ranges and as other children come within such prescribed age ranges. The census will also account for other children within the prescribed age ranges as they become residents of the city, so that there shall always be on file with the Board of Education a complete census giving the facts and information required pursuant to law.

With the exception of the cities of New York, Buffalo and Rochester, as well as small city school districts, all other school districts are authorized, rather than obligated, to take a census of all children from birth to eighteen (18) years of age.

The census must indicate the names of all children between birth and eighteen (18) years of age, and of children with disabilities between birth and twenty-one (21) years of age; their respective residences by street and number; the day of the month and the year of their birth; the names of the persons in parental relation to them; such information relating to physical or mental disabilities, to illiteracy, to employment and to the enforcement of the law relating to child labor and compulsory education as the State Education Department and the Board of Education shall require; and also such further information as the Board shall require.

On written request and in such form as prescribed by the Commissioner of Education, the Board shall provide to the Commissioner a report containing the names, ages and addresses of those children who are blind or deaf, and those children having serious physical or mental disabilities. Additionally, such report shall further indicate whether such children are being educated within the public schools of the District or, if they are not, where such education is being furnished to them.

Persons in parental relation to those children within the prescribed census age ranges are to make such reports as the Board of Education shall require, including, but not limited to, providing two (2) weeks before the child reaches compulsory school age, the name of the child; the child's residence; the name of the person or persons in parental relation to the child; the name and location of the school to which the child shall have been or shall be sent as a student; and such other information as required by law or as the Board may require.

A parent, guardian or other person having under his/her control or charge a child between birth and eighteen (18) years of age who withholds or refuses to give information in his/her possession relating to such census data as required by law pertaining to the child; or, in the alternative, gives false information in relation to such census data, shall be liable to and punished by a fine or imprisonment as established by law.

(Continued)

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Students

**SUBJECT: SCHOOL CENSUS (Cont'd.)**

Census data shall be reported as required by law.

Education Law Sections 3240-3243 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(a)

NOTE: Refer also to Policy #7650 -- Identification and Register of Children With Disabilities

Adopted: 8/19/04

**SUBJECT: STUDENT EVALUATION****Placement**

Placement within the system, with respect to building, teacher, and grade or special class, shall be at the discretion of the school administration and shall be subject to review and change at any time. In making such decisions, the administrator will be guided by performance in class, past records, parent/guardian and teacher recommendations, standardized test scores, and any other appropriate sources of information, but the final decision shall rest with the school administration.

**Promotion and Retention**

The procedures to be followed by the staff regarding promotion and retention will be developed by the Superintendent and will be continually evaluated in the light of School District policy. Building principals may establish written standards for promotion or retention within the school units to which the students are assigned, subject to the guidelines of the Superintendent and the approval of the Board of Education.

**Testing Program**

The Board of Education endorses and supports the use of ability, achievement, diagnostic, readiness, interest and guidance tests as part of the total educational process to the degree to which tests help the District to serve its students.

**Alternative Testing Procedures**

The use of alternative testing procedures shall be limited to:

- a) Students identified by the Committee on Special Education and/or Section 504 Team as having a disability. Alternative testing procedures shall be specified in a student's Individualized Education Program or Section 504 Accommodation Plan; and
- b) Students whose native language is other than English, (i.e., English Language learners, in accordance with State Educational Department Guidelines.

The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

(Continued)

**SUBJECT: STUDENT EVALUATION (Cont'd.)**

The District shall report the use of alternative testing procedures to the State Education Department on a form and at a time prescribed by the Commissioner.

**Reporting to Parents/Legal Guardians**

Parents/guardians shall receive an appropriate report of student progress at regular intervals. Report cards shall be used as a standard vehicle for the periodic reporting of student progress and appropriate school related data. Report cards, however, are not intended to exclude other means of reporting progress, such as conferences, phone conversations, etc.

When necessary, attempts will be made to provide interpreters for non-English speaking parents/guardians.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(g)  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

## Students

**SUBJECT: PROVISION OF INTERPRETER SERVICES TO PARENTS WHO ARE HEARING IMPAIRED**

The Board of Education assures parents or persons in parental relationship who are hearing impaired the right to meaningful access to school initiated meetings or activities pertaining to the academic and/or disciplinary aspects of their children's education. School initiated meetings or activities are defined to include, but are not limited to, parent-teacher conferences, child study or building-level team meetings, planning meetings with school counselors regarding educational progress and career planning, suspension hearings or any conferences with school officials relating to disciplinary actions. The term "hearing impaired" shall include any hearing impairment, whether permanent or fluctuating, which prevents meaningful participation in School District meetings or activities.

Parents or persons in parental relationship shall be notified of the availability of interpreter services to be provided at no charge, provided that a written request is made to the School District within fourteen (14) days of the scheduled event. Exceptions to the time frame request may be made for unanticipated circumstances as determined by the principal/designee. The District shall also notify appropriate school personnel as to the terms and implementation of this policy.

If interpreter services are requested, the District shall appoint an interpreter for the hearing impaired to interpret during the meeting or activity. The District will arrange for interpreters through a District-created list or through an interpreter referral service. The District shall also develop interagency agreements, as appropriate, to ensure that sign language interpreters are provided for eligible parents or persons in parental relationship when District students attend out-of-District schools or programs.

In the event that an interpreter is unavailable, the School District shall make other reasonable accommodations which are satisfactory to the parents or persons in parental relationship. Examples of what constitutes reasonable accommodations in the event an interpreter cannot be located may include, but are not limited to, the use of:

- a) Written communications, transcripts, note takers, etc; and
- b) Technology, such as: a decoder or telecommunication device for the deaf, assistive listening devices, and closed or open captioning.

Education Law Section 3230  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(aa)

Adopted: 8/19/04

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Students

**SUBJECT: GRADUATION REQUIREMENTS**

In order to graduate from Marlboro Central School District, a student must complete or may exceed the requirements set forth in Part 100 of the Commissioner's Regulations. The Board of Education reserves the right to establish requirements for graduation which exceed the minimum standards as defined by the New York State Regents.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(i) and 100.5

Adopted: 8/19/04

## Students

**SUBJECT: EARLY GRADUATION**

A student shall be eligible for early graduation in fewer than eight (8) semesters upon completion of all requirements for graduation, excluding physical education, as mandated by Commissioner's Regulations. A student shall not be required to continue enrollment for the sole purpose of completing physical education requirements. The District, upon request from the student's parent/guardian, may choose to grant the student a high school diploma prior to his/her completion of the eighth (8th) semester.

8 New York Code of Rules and Regulations  
(NYCRR) Section 100.5(a) and (e)

Adopted: 8/19/04

Students

**SUBJECT: CREDENTIAL OPTIONS FOR STUDENTS WITH DISABILITIES**

The Board of Education is committed to ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of Section 100.5 of the Commissioner's Regulations. However, when necessary, the District may award local certificates and high school individualized education program diplomas to students with disabilities.

The administration shall develop regulations to implement this policy.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.6 and 100.9

Adopted: 8/19/04

Students

**SUBJECT: HIGH SCHOOL CREDIT FOR COLLEGE COURSES AND MATRICULATION**

The Marlboro Board of Education recognizes the value that college courses can add to a student's educational program. Accordingly, high school credit will be awarded to students who enroll in approved college courses pursuant of the following criteria:

- a) The number of college courses a student may participate in each school year shall be subject to the approval of the Superintendent and the High School principal. The course content, equivalency of instruction, and time requirements shall be approved in advance by the principal and the Superintendent. In the case of students with disabilities, the above must also be approved by the Committee on Special Education (CSE).
- b) One semester of college course work (3 credit hours) shall be equivalent to 1/2 unit(s) of high school credit.
- c) For purposes of this policy, a "unit" is a year's work in a subject requiring 180 minutes of instruction per week throughout the school year or the equivalent.
- d) The costs for any and all such higher education shall be borne by the individual student.
- e) High school credit shall not be granted for any college course for which a student receives a failing grade.
- f) Students who wish to participate in college courses must meet specific academic, grade level and coursework requirements as set forth by the Superintendent.

**Students With Disabilities**

The Board recognizes its responsibility to provide students with disabilities a free appropriate public education and recognizes its responsibility to provide all such children with any and all of the same opportunities that other children are provided, including the opportunity to participate in college courses when appropriate. The Board will provide this opportunity according to the following guidelines:

- a) When the Committee on Special Education (CSE) determines that a college course is appropriate (i.e., meets the requirements in letter "f" above) for a student and it is included in the student's Individualized Education Program (IEP), the District shall pay the tuition and other expenses related to the course.
- b) The Board shall provide students with disabilities with appropriate related services to allow them to take college courses. Examples of such accommodation might include providing a tutor, sign language interpreter, notetaker or alternative testing.

(Continued)

**SUBJECT: HIGH SCHOOL CREDIT FOR COLLEGE COURSES AND  
MATRICULATION (Cont'd.)**

**Matriculation**

All senior students who have successfully fulfilled the requirements to enter into their senior year and have demonstrated intellectual and social maturity, may choose to matriculate at any one of the colleges that have a cooperative agreement with our School District. These opportunities might include early admission to college, collegiate-level work offered in the high school, or other means of providing advanced work. Review and approval by school officials is necessary before any college courses may be taken during the school day.

## Students

**SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE****Student Records**

The Marlboro Central School District shall comply with the provisions of the "Family Educational Rights and Privacy Act of 1974." Under its provisions, "parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all official records, files, and data, including all material that is incorporated into each student's cumulative record folder and intended for school use or to be available to parties outside the school or School System and specifically including, but not necessarily limited to, identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; and verified reports of serious or recurrent behavior patterns."

**Access to Student Records**

The Board directs that administrative regulations and procedures be formulated to comply with the provisions of federal law relating to the availability of student records. The purpose of such regulations and procedures shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to insure the confidentiality of such records with respect to third parties.

**Challenge to Student Records**

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Family Educational Rights and Privacy Act of 1974  
20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR)  
Section 300.571

Adopted: 8/19/04

## Students

**SUBJECT: RELEASE OF INFORMATION TO THE NONCUSTODIAL PARENT**

The District may presume that the noncustodial parent has the authority to request information concerning his/her child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be his/her responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

20 United States Code (USC) 1232(g)(b)(4)(A)  
34 Code of Federal Regulations (CFR) Part 99

Adopted: 8/19/04

## Students

**SUBJECT: STUDENT DIRECTORY INFORMATION**

The District shall publish an annual public notice informing parents or eligible students of their right to refuse the release of student directory information and indicating a time period for their response. Following such public notice and a reasonable response period, the district may release such information to an outside group without individual consent. For purposes of consistency and clarification, the Marlboro Central School District will allow ten (10) business days following notification of directory information designations in the District calendar or registration in the District to object to the release of the directory information.

The Family Education Rights and Privacy Act (FERPA) defines student directory information as the following: name; address; telephone listing; date and place of birth, major field of study; participation in officially recognized activities and sports; weight and height (if members of athletic teams), degrees and awards received; dates of attendance, the name of the educational agency or institution previously attended by the student, e-mail address, photograph, and grade level and honors received.

For purposes of public disclosure and to protect privacy rights, the Marlboro Central School District identifies the following as being student directory information: student's name; major field of study; participation in officially recognized activities and sports; degrees and awards received, and grade level and honors received.

Family Education Rights and Privacy Act of 1974  
20 United States Code (USC) 1232(g)  
34 Code of Federal Regulations (CFR) Part 99

Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS  
AND INFORMATION ON STUDENTS**

In compliance with the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB); and the National Defense Authorization Act, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the School District shall comply with a request by a military recruiter for secondary students' names, addresses, and telephone listings, **unless a parent has "opted out" of providing such information.**

Further, in compliance with the NCLB, the District shall give military recruiters the same access to secondary school students as they provide to postsecondary institutions or to prospective employers.

Under FERPA, the School District must provide notice to parents of the types of student information that it releases publicly. This type of information, commonly referred to as "directory information," which is released by the District includes -- but is not limited to -- such items as students' names, addresses, and telephone listings. The notice must include an explanation of a parent's right to request that the information not be disclosed without prior written parental consent; and further requires that parents be notified that the School District routinely discloses students' names, addresses, and telephone listings to military recruiters upon request, subject to a parent's request not to disclose such information without written parental consent.

A single notice provided through a mailing, student handbook, or other method that is reasonably calculated to inform parents of the above information is sufficient to satisfy the parental notification requirements of both FERPA and the NCLB. The notification shall advise the parent of how to opt out of the public, nonconsensual disclosure of directory information and the method and timeline within which to do so.

If a parent opts out of providing directory information (or any subset of such information) to third parties, the opt-out relating to their child's name, address, or telephone listing applies to request for military recruiters as well. For example, if the opt-out states that telephone numbers will not be disclosed to the public, the District may not disclose telephone numbers to military recruiters.

The Superintendent/designee shall ensure that appropriate notification is provided to parents informing them of their right to opt-out of the release of designated directory information without prior written parental consent.

Elementary and Secondary Education Act of 1965,  
Section 9528  
20 United States Code (USC) Section 7908  
as amended by the No Child Left Behind Act of 2001  
National Defense Authorization Act Section 544  
10 United States Code (USC) Section 503  
Family Educational Rights and Privacy Act of 1974

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Students

**SUBJECT: MILITARY RECRUITERS' ACCESS TO SECONDARY SCHOOL STUDENTS  
AND INFORMATION ON STUDENTS (Cont'd.)**

20 United States Code (USC) Section 1232(g)  
34 Code of Federal Regulations (CFR) Section 300.571  
Education Law Section 2-a  
8 New York Code of Rules and Regulations  
(NYCRR) Section 3.33

Adopted: 8/19/04

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS**

**U.S. Department of Education-Funded Surveys**

In compliance with the Protection of Pupil Rights Amendment (PPRA), the School District is committed to protecting the rights and privacy interests of parents/guardians and students with regard to surveys funded in whole or part by any program administered by the U.S. Department of Education (DOE).

The District shall make instructional materials available for inspection by parents/guardians if those materials will be used in connection with a DOE-funded survey, analysis, or evaluation in which their children participate. In addition, the School District **shall obtain prior written parental/guardian consent** before minor students are required to participate in any DOE-funded survey, analysis, or evaluation that reveals information concerning:

- a) Political affiliations or beliefs of the student or the student's parent/guardian;
- b) Mental or psychological problems of the student or the student's family;
- c) Sex behavior or attitudes;
- d) Illegal, anti-social, self-incriminating, or demeaning behavior;
- e) Critical appraisals of other individuals with whom respondents have close family relationships;
- f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- g) Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or
- h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**Surveys Funded by Sources Other than U.S. Department of Education**

The School District has developed and adopted this Board policy, in consultation with parents/guardians, regarding the following:

- a) The right of the parent/guardian to inspect, upon request, a survey created by a third party (i.e., by a party other than the DOE) before the survey is administered or distributed by the school to a student. Requests by parents/guardians to inspect such surveys are to be submitted to, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey. Further, the District shall grant a request by the parent/guardian for reasonable access to such survey within a reasonable period of time after the request is received by the District.

(Continued)

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- b) Arrangements shall be provided by the District to protect student privacy in the event of the administration or distribution of a survey to a student containing one or more of the following items (including the right of the parent/guardian of the student to inspect, upon request, any survey containing one or more of such items):
1. Political affiliations or beliefs of student toward the student's parent/guardian;
  2. Mental or psychological problems of the student or the student's family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating or demeaning behavior;
  5. Critical appraisals of other individuals with whom respondents have close family relationships;
  6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
  8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians have the right to inspect, upon request, any survey containing one or more of such items. Such requests must be submitted by the parent/guardian, in writing, to the building principal at least 10 days prior to the administration or distribution of any survey.

- c) Parents/guardians shall be granted, upon request, reasonable access and the right to inspect instructional materials used as part of the educational curriculum for the student within a reasonable period of time (defined by the School District, for the purposes of this policy, as 30 days) after such request is received by the District. Requests shall be submitted by parents/guardians, in writing, to the building principal. The term "*instructional material*" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). *The term does not include academic tests or academic assessments.*
- d) The administration of physical examinations or screenings that the School District may administer to a student.

*Further, this law does not apply to any physical examination or screening that is permitted or required by State law, including physical examinations or screenings that are permitted without parental notification.*

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

In the implementation of this provision regarding the administration of physical examinations or screenings that the school may administer to the student, the School District incorporates by reference Board policies that address student health services, as applicable, including but not limited to policies regarding the administration of medication, immunization of students, and student physicals.

- e) Unless mandated/authorized in accordance with Federal or State law and/or regulation, it is policy of the Board of Education, to **not permit** the collection, disclosure, or use of personal information (the term "*personal information*" is defined as individually identifiable information including a student's or parent/guardian's first and last name; home address; telephone number; or Social Security number) collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), *unless otherwise exempted pursuant to law as noted below*. Questions regarding the collection, disclosure, or use of personal information collected from students for such marketing purposes may be referred to the school attorney as deemed necessary by the Superintendent/designee.

This law is not intended to preempt applicable provisions of State law that require parental/guardian notification.

These requirements **do not apply** to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- a) College or other postsecondary education recruitment, or *\*military recruitment*;
- b) Book clubs, magazines, and programs providing access to low-cost literary products;
- c) Curriculum and instructional materials used by elementary schools and secondary schools;
- d) Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate others statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

(Continued)

*\*Military recruiter access to student information is governed by the Family Educational Rights and Privacy Act of 1974 (FERPA) and the National Defense Authorization Act for Fiscal Year 2002.*

Students

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO MINORS (Cont'd.)**

- e) The sale by students of products or services to raise funds for school-related or education-related activities;
- f) Student recognition programs.

**Notification of Policies/"Opt Out" Provisions**

The School District shall provide for reasonable notice of the adoption or continued use of this policy directly to the parents/guardians of students enrolled in the District. At a minimum, the District shall provide such notice at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy.

Further, in the notification, the District shall offer an opportunity for parents/guardians to opt their child out of participation in the following activities:

- a) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
- b) The administration of **any survey** containing one or more of the eight items of information listed above in the subheadings referencing DOE-funded surveys as well as non-DOE-funded surveys.
- c) Any non-emergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student, or of other students. The term "*invasive physical examination*" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but *does not include a hearing, vision or scoliosis screening*.

Notification of Specific Events

In the notification, the School District shall directly notify parents/guardians, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the above activities are scheduled or expected to be scheduled.

(Continued)

**SUBJECT: STUDENT PRIVACY, PARENTAL ACCESS TO INFORMATION, AND  
ADMINISTRATION OF CERTAIN PHYSICAL EXAMINATIONS TO  
MINORS (Cont'd.)**

**General Provisions**

The requirements of PPRA do not apply to a survey administered to a student in accordance with the Individuals with Disabilities Education Act (IDEA). Further, PPRA does not supersede any of the requirements of FERPA.

The rights provided to parents/guardians under PPRA transfer from the parent/guardian to the student when the student turns 18 years old or is an emancipated minor under applicable State law.

The School District may use funds provided under Part A of Title V of the Elementary and Secondary Education Act of 1965 to enhance parental/guardian involvement in areas affecting the in-school privacy of students.

20 United States Code (USC) Section 1232h(b) and (c),  
as amended by the No Child Left Behind Act of 2001  
34 Code of Federal Regulations (CFR) Part 98

NOTE: Refer also to Policies #7121 -- Screening of New School Entrants  
#7243 -- Military Recruiters' Access to Secondary School Students  
and Information on Students  
#7511 -- Immunization of Students  
#7512 -- Student Physicals  
#7513 -- Administration of Medication

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a *Code of Conduct for the Maintenance of Order on School Property*, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors. The Board shall further provide for the enforcement of such Code of Conduct. The District Code of Conduct shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- *Code of Conduct on School Property*. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the *Code of Conduct on School Property*, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Section 2801 of the Education Law and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;
- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Section 3214 of the Education Law; and

(Continued)

Students

**SUBJECT: SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**

- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(2)

NOTE: Refer also to Policy #3410 -- Code of Conduct on School Property  
*District Code of Conduct on School Property*

Adopted: 8/19/04

## Students

**SUBJECT: LOSS OR DESTRUCTION OF DISTRICT PROPERTY OR RESOURCES**

The District is authorized to seek restitution, through civil action when necessary, from the parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has willfully, maliciously, or unlawfully damaged, defaced or destroyed real or personal property in the care, custody and/or ownership of the District; or
- b) Has knowingly entered or remained in a District building, and wrongfully taken, obtained or withheld personal property owned or maintained by the District.

In instances where the District has sought and obtained a judgment from a court of competent jurisdiction, parent/guardian liability for civil damages shall not exceed five thousand dollars (\$5,000). Under certain circumstances, prior to the entering of a judgment in the sum total of five hundred dollars (\$500) or more, a court may consider the parent's or guardian's financial inability to pay any portion or all of the amount of damages which are in excess of five hundred dollars (\$500), and enter a judgment in an amount within the financial capacity of the parent or guardian. However, no such judgment shall be entered for an amount which is less than five hundred dollars (\$500).

**False Reporting of an Incident and/or Placing a False Bomb**

A School District is also authorized to seek restitution, as described in law, from a parent or guardian of an unemancipated student over the age of ten (10) and under the age of eighteen (18) where such student:

- a) Has falsely reported an incident; or
- b) Has placed a false bomb as defined in the New York State Penal Law.

Damages for falsely reporting an incident or placing a false bomb shall mean the funds reasonably expended by the School District in responding to such false report of an incident or false bomb, less the amount of any funds which have been or will be recovered from any other source as enumerated in law.

In seeking restitution, the School District shall file with the court, district attorney and defense counsel an affidavit stating that the funds reasonably expended for which restitution is being sought have not been and will not be recovered from any other source or in any other civil or criminal proceeding, except as provided for pursuant to General Obligations Law Section 3-112.

General Obligations Law Section 3-112  
Penal Law Section 60.27

Adopted: 8/19/04

## Students

**SUBJECT: STUDENT DRESS CODE**

The responsibility for the dress and appearance of students shall rest with individual students and parents. They have the right to determine how the student shall dress, provided that such attire does not interfere with the operation of the school or infringe upon the general health, safety and welfare of District students or employees as outlined in the Administrative regulations. Student dress and appearance must be in accordance with the District Code of Conduct. The administration is authorized to take action in instances where individual dress does not meet these stated requirements.

While the school administration may require students participating in physical education classes to wear certain types of clothing such as sneakers, socks, shorts, and tee shirts, they may not prescribe a specific brand which students must wear.

This policy does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that a student shall not be prevented from attending school or a school function, or otherwise be discriminated against, so long as his/her dress and appearance meet the above requirements.

**SUBJECT: SUSPENSION OF STUDENTS**

The Superintendent and/or the principal may suspend the following students from required attendance upon instruction:

- a) A student who is insubordinate or disorderly; or
- b) A student who is violent or disruptive; or
- c) A student whose conduct otherwise endangers the safety, morals, health or welfare of others.

When a student has been suspended and is of compulsory attendance age, immediate steps shall be taken to provide alternative instruction which is of an equivalent nature to that provided in the student's regularly scheduled classes.

**Suspension: Five Days or Less**

The Superintendent and/or the principal of the school where the student attends shall have the power to suspend a student for a period not to exceed five (5) school days. In the absence of the principal, the designated "Acting Principal" may then suspend a student for a period of five (5) school days or less.

When the Superintendent or the principal (the "suspending authority") proposes to suspend a student for five (5) school days or less, the suspending authority shall provide the student with **notice** of the charged misconduct. If the student denies the misconduct, the suspending authority shall provide an **explanation** of the basis for the suspension.

When suspension of a student for period of five (5) school days or less is proposed, administration shall also immediately notify the parent/person in parental relation in writing that the student *may be* suspended from school.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of the decision to propose suspension at the last known address or addresses of the parents/persons in parental relation. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

The notice shall provide a description of the incident(s) for which suspension is proposed and shall inform the student and the parent/person in parental relation of their right to request an immediate informal conference with the principal in accordance with the provisions of Education Law Section 3214(3)(b). Both the notice and the informal conference shall be in the dominant language or

(Continued)

Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

mode of communication used by the parents/persons in parental relation. At the informal conference, the student and/or parent/person in parental relation shall be authorized to present the student's version of the event and to ask questions of the complaining witnesses.

The notice and opportunity for informal conference shall take place **prior to** suspension of the student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practical.

Teachers shall immediately report or refer a violent student to the principal or Superintendent for a violation of the *District's Code of Conduct* and a minimum suspension period.

**Suspension: More Than Five School Days**

In situations where the Superintendent determines that a suspension in excess of five (5) school days may be warranted, the student and parent/person in parental relation, upon reasonable notice, shall have had an opportunity for a fair hearing. At the hearing, the student shall have the right of representation by counsel, with the right to question witnesses against him/her, and the right to present witnesses and other evidence on his/her behalf.

Where the basis for the suspension is, in whole or in part, the possession on school grounds or school property by the student of any firearm, rifle, shotgun, dagger, dangerous knife, dirk, razor, stiletto or any of the weapons, instruments or appliances specified in Penal Law Section 265.01, the hearing officer or Superintendent shall not be barred from considering the admissibility of such weapon, instrument or appliance as evidence, notwithstanding a determination by a court in a criminal or juvenile delinquency proceeding that the recovery of such weapon, instrument or appliance was the result of an unlawful search or seizure.

**Minimum Periods of Suspension**

Pursuant to law, Commissioner's Regulations and the *District's Code of Conduct*, minimum periods of suspension shall be provided for the following prohibited conduct, subject to the requirements of federal and state law and regulations:

- a) Consistent with the federal Gun-Free Schools Act, any student who is determined to have brought a weapon to school or possessed a weapon on school premises shall be suspended for a period of not less than one (1) calendar year. However, the Superintendent has the authority to modify this suspension requirement on a case-by-case basis.

(Continued)

## Students

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

- b) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. The definition of "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority" shall be determined in accordance with the Regulations of the Commissioner.
- c) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a), provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law.

**Suspension of Students with Disabilities**

Generally, should a student with a disability infringe upon the established rules of the schools, disciplinary action shall be in accordance with procedures set forth in the *District's Code of Conduct* and in conjunction with applicable law and the determination of the Committee on Special Education (CSE).

If suspension or removal from the current educational placement constitutes a disciplinary change in placement because it is for more than ten (10) consecutive school days or constitutes a pattern because the suspensions or removals cumulate to more than ten school days in a school year, the Committee on Special Education shall conduct a review of the relationship between the child's disability and the behavior subject to the disciplinary action. If it is determined, as a result of this review, that the student's behavior is not a manifestation of his/her disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, subject to the right of the parent/person in parental relation to request a hearing objecting to the manifestation determination and the District's obligation to provide a free, appropriate public education to such student.

Additionally, the District may seek an order from a hearing officer for a change in placement of a student with a disability to an appropriate interim alternative educational setting for up to forty-five (45) days if the District establishes, in accordance with law, that such student is substantially likely to injure himself/herself or others. The District also has the right to change the placement of a student with disabilities to an appropriate IAES if the DISTRICT establishes that the student is guilty of possession or use of drugs or weapons in accordance with Part 201 of Regulation of the Commissioner of Education.

(Continued)

**SUBJECT: SUSPENSION OF STUDENTS (Cont'd.)**

If it is determined that the student's behavior is a manifestation of his/her disability, the student may not be removed from the current placement unless in accordance with law. The student shall be referred to the CSE for program modification.

**Suspension From BOCES**

The BOCES principal may suspend School District students from BOCES classes for a period not to exceed five (5) school days when student behavior warrants such action.

**In-School Suspension**

In-school suspension will be used as a lesser discipline to avoid an out-of-school suspension. The student shall be considered present for attendance purposes. The program is used to keep each student current with his/her class work while attempting to reinforce acceptable behavior, attitudes and personal interaction.

**BOCES Activities**

BOCES activities, like field trips and other activities outside the building itself, are considered an extension of the school program. Therefore, an infraction handled at BOCES is to be considered as an act within the School District itself.

A student who is ineligible to attend a District school on a given day may also be ineligible to attend BOCES classes. The decision rests with the Superintendent or his/her designee.

**Exhaustion of Administrative Remedies**

If a parent/person in parental relation wishes to appeal the decision of the building principal and/or Superintendent to suspend a student from school, regardless of the length of the student's suspension, the parent/person in parental relation must appeal to the Board of Education within fifteen (15) days of the decision and prior to commencing an appeal to the Commissioner of Education.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(2) and Part 201  
18 United States Code (USC) Sections 914 and 921  
20 United States Code (USC) Section 8921 as  
reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300

(Continued)

**MARLBORO CENTRAL SCHOOL DISTRICT  
RECOMMENDED RANGE OF DISCIPLINARY OPTIONS**

<b>INFRACTION</b>	<b>DETENTION</b>	<b>ISS 1 DAY</b>	<b>OSS 1 DAY</b>	<b>OSS 2 DAYS</b>	<b>OSS 3 DAYS</b>	<b>OSS 4 DAYS</b>	<b>OSS 5 DAYS</b>	<b>POSSIBLE SUPERINTENDENT HEARING</b>
Fighting or behaving violently					X	X	X	X
Threatening another with bodily harm					X			
Intimidating students or school personnel					X			
Making unreasonable noise		X						
Using abusive language or gestures		X	X	X	X			
Obstructing vehicular or pedestrian traffic		X						
Creating a hazardous or physically offensive condition		X	X					
Insubordinate, failing to comply with lawful directions		X	X					
Tardiness	X	X						
Missing or leaving school without permission		X						
Cutting class, or not in assigned area								
1st Offense		X						
2nd Offense		X						
3rd Offense			X					
4th Offense			X					
5th Offense				X				X
Vandalism, or destruction of property (including graffiti or arson)		X	X	X	X	X	X	X
Theft		X	X	X	X	X	X	X
Truancy (P.I.N.S.)		X						
Possession upon school premises with any rifle, shotgun, pistol, revolver, other firearm, explosives, knives, dangerous chemicals, mace or any object which is not necessary for school activities and which could be used as a weapon.					X	X	X	X

INFRACTION	DETENTION	ISS 1 DAY	OSS 1 DAY	OSS 2 DAYS	OSS 3 DAYS	OSS 4 DAYS	OSS 5 DAYS	POSSIBLE SUPERINTENDENT HEARING
Gambling (cards, dice, etc.)		X	X					
Hazing		X	X					
Possession/use/sale of drugs or alcohol							X	X
Violation of Internet Acceptable Use Policy		X	X					
Plagiarism (see school policy)								
Bus Conduct (see bus conduct policy)								
Sexual Harassment (see District policy)		X	X	X	X	X	X	X
Dress Code (see school policy)		X	X					
Improper racial or ethnic remarks		X	X	X	X			
Teacher Referral	X	X	X					
Where a student engages in conduct which would define that student as "repeatedly substantially disruptive" (i.e., engaging in conduct requiring removal from the classroom, or on four or more occasions during a semester).*				X	X	X	X	X
Where a student engages in conduct which would define that student as a violent pupil under section 3214(2-a)(a) of the Education Law.*					X	X	X	X
Falsely reporting an incident (i.e., false alarm, bomb scare)							X	X

If a criminal offense has been committed (such as false alarms, vandalism, or the use and/or possession of weapons) the police will be notified.

\*THE ABOVE LISTED RANGE OF CONSEQUENCES ARE SUBJECT TO MODIFICATION ON A CASE BY CASE BASIS, BASED ON INDIVIDUAL CIRCUMSTANCES.

Discipline is progressive based upon the student's previous disciplinary history.

The severity of the penalty imposed may be greater if the misconduct is compounded by additional inappropriate behavior. For example, using abusive language in a threatening manner might carry a more severe penalty than simply using abusive language. In addition, using abusive language in a threatening manner toward a teacher, administrator or other staff member would carry a more severe penalty than doing the same to a peer (student).

## Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board of Education will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the School District.

One purpose of this policy is to provide notice to students and parents/guardians that, unlike most traditional instructional or library media materials, the DCS will allow student access to external computer networks not controlled by the School District where it is impossible for the District to screen or review all of the available materials. Some of the available materials may be deemed unsuitable by parents/guardians for student use or access. This policy is intended to establish general guidelines for acceptable student use. However, despite the existence of such District policy and accompanying guidelines and regulations, it will not be possible to completely prevent access to computerized information that is inappropriate for students. Furthermore, students may have the ability to access such information from their home or other locations off school premises. Parents/guardians of students must be willing to set and convey standards for appropriate and acceptable use to their children when using the DCS or any other electronic media or communications. The District respects the right of each family to decide whether or not to apply for independent computer access.

Student use of the DCS is conditioned upon written agreement by all students and their parents/guardians that student use of the DCS will conform to the requirements of this policy and any regulations adopted to insure acceptable use of the DCS. All such agreements shall be kept on file in the District Office.

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage. Administrative regulations will further define general guidelines of appropriate student conduct and use as well as proscribed behavior.

District students shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and student rights of privacy created by federal and state law.

(Continued)

Students

**SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES  
(Cont'd)**

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the Student Discipline Code of Conduct. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be School District property subject to control and inspection. The computer coordinator may access all such files and communications to insure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Regulations will be established as necessary to implement the terms of this policy

NOTE: Refer also to Policy #8271 -- The Children's Internet Protection Act: Internet Content Filtering/Safety Policy.

Adopted: 8/19/04

**SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM****Disruptive Students**

In accordance with Education Law, Commissioner's Regulations and the District's Code of Conduct, teachers shall have the power and authority to remove disruptive students from their classrooms consistent with discipline measures contained in the Code of Conduct. The term "disruptive student," as defined pursuant to law, shall refer to an elementary or secondary student under twenty-one (21) years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Further, teachers shall abide by the provisions of the District's Code of Conduct with regard to the utilization of alternative classroom management techniques and student intervention services, as may be applicable and appropriate to the specific circumstances, prior to removal of the student from the classroom. Additionally, teachers shall have the authority to remove disruptive students from the classroom for each incident for a period of time no greater than as enumerated in the Code of Conduct.

Teachers must inform the student and the school principal/designee of the reasons for the removal.

- a) In most instances, the teacher shall, prior to removing the disruptive student from the classroom, provide the student with an explanation of the basis for the removal and allow the student to informally present the student's version of relevant events.
- b) If the teacher finds that the disruptive student's continued presence in the classroom poses a continuing danger to persons or property or presents an ongoing threat of disruption to the academic process, the teacher shall provide the student with an explanation of the basis for the removal and an informal opportunity to be heard within twenty-four (24) hours of the student's removal, provided that if such twenty-four (24) hour period does not end on a school day, it shall be extended to the corresponding time on the next school day.

No disruptive student shall return to the classroom until the principal/designee makes a final determination regarding the discipline imposed by the teacher as outlined in administrative regulations and pursuant to the provisions enumerated in Education Law Section 3214(3-a) or the period of removal expires, whichever is less. The District will ensure the provision of continued educational programming and activities for students removed from the classroom by a teacher.

(Continued)

**SUBJECT: TEACHER REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM (Cont'd.)**

The principal/designee shall inform the parents/person in parental relation to such student of the removal and shall, upon request, provide the student and the parent/person in parental relation an opportunity for an informal conference to discuss the reasons for the removal in accordance with the procedures enumerated in law. As applicable, the principal/designee shall render a determination regarding the discipline imposed by the teacher in accordance with the requirements mandated pursuant to law and/or regulation.

This policy, in accordance with statutory mandates, does not authorize removal of a student in violation of any state or federal law or regulation (e.g., IDEA, Section 504 of the Rehabilitation Act of 1973). It shall be the responsibility of the building principal/designee to ensure that teacher removal of students from the classroom complies with applicable laws and regulations.

**Exhaustion of Administrative Remedies**

It is District policy that, prior to commencing an appeal to the Commissioner of Education regarding teacher removal of a disruptive student from the classroom, the parent/person in parental relation must first appeal to the Board of Education.

**"Sunset" Provision for twenty-four (24) hour and forty-eight (48) hour Notification Period.**

The provisions in law which specify that twenty-four (24) and forty-eight (48) hour notification periods correlate with school days shall terminate on July 1, 2005 in accordance with legislation; and shall be rescinded as Board policy and procedure as of that date (unless subsequent revisions to applicable law provide otherwise).

**Violent Students**

Teachers are required to immediately report and refer a violent student, as defined pursuant to Education Law, to the principal or Superintendent for a violation of the District's Code of Conduct and a minimum suspension period as determined by such Code, unless otherwise reduced by the suspending authority on a case-by-case basis to be consistent with any other state and federal law.

Education Law Sections 2801 and 3214  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(2) and Part 201  
Individuals with Disabilities Education Act (IDEA),  
20 United States Code (USC) Sections 1400-1485  
34 Code of Federal Regulations (CFR) Part 300  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

Adopted: 8/19/04

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)**

The Board of Education recognizes that the misuse of drugs, alcohol and/or tobacco is a serious problem with legal, physical, emotional and social implications for the entire community. Therefore, the consumption, sharing and/or selling, use and/or possession of alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs is prohibited at any school-sponsored event or on school property at all times. The inappropriate use of prescription and over-the-counter drugs shall also be disallowed. Persons shall be banned from entering school grounds or school-sponsored events when exhibiting behavioral, personal or physical characteristics indicative of having used or consumed alcohol or other substances.

Through the collaborative efforts of staff, students, parents/guardians and the community as a whole, a comprehensive program shall be developed addressing alcohol, tobacco, drugs, and other substances to include the following elements:

**Primary Prevention**

Preventing or delaying alcohol, tobacco, drugs, and other substance use/abuse by students shall be the major focus of a comprehensive K through 12 program in which proactive measures of prevention and early intervention are emphasized. This program shall include:

- a) A sequential K through 12 curriculum based on recognized principles of effectiveness that is developed and incorporated into the total educational process. This curriculum shall be concerned with education and prevention in all areas of alcohol, tobacco, drugs, and other substances uses/abuse;
- b) Training school personnel and parents/guardians to reinforce the components of the policy through in-service and community education programs with up-to-date factual information and materials.
- c) An effort to provide positive alternatives to alcohol, tobacco, drugs, and other substances use/abuse through the promotion of drug/tobacco/alcohol-free special events, service projects and extracurricular activities that will develop and support a positive peer influence.

**Intervention**

School-based intervention services shall be made available to all students, grades K through 12, and provided by prevention professionals who are appropriately trained in this area. The purpose of intervention is to eliminate any existing use/abuse of alcohol, tobacco, drugs, and other substances and to identify students considered to be at risk for use/abuse. Intervention programming shall include:

(Continued)

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

- a) Counseling of students in groups and as individuals on alcohol, tobacco, drugs, and other substance use/abuse. Counselors shall be appropriately trained and skilled school staff assigned for this purpose.
- b) Referring students to community or other outside agencies when their use/abuse of alcohol, tobacco, drugs, and other substances requires additional counseling or treatment. Referral is a key link in school and community efforts and the process is basic to the dissemination of information regarding available counseling and health services;
- c) Providing a supportive school environment designed to continue the recovery process for students returning from treatment. A re-entry program may include continuing student and/or family counseling and emphasizing positive alternatives to alcohol, tobacco, drugs, and other substance use/abuse.
- d) Developing a parent network to serve as a support group and provide a vehicle of communication for parent education;
- e) Ensuring confidentiality as required by state and federal law.

**Disciplinary Measures**

Disciplinary measures for students consuming, sharing and/or selling, using and/or possessing alcoholic beverages, tobacco products, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of such drugs shall be outlined in the *District's Code of Conduct on School Property*.

**Staff Development**

There shall be ongoing training of District staff about the components of an effective alcohol, tobacco and other substances program. Training shall include, but not be limited to, District policies and regulations and the staff's role in implementing such policies and regulations. Teachers shall be trained to implement the District's K through 12 alcohol, tobacco, drugs and other substance prevention curricula; intervention staff shall be suitably trained to carry out appropriate services.

**Implementation, Dissemination and Monitoring**

It shall be the responsibility of the Superintendent to implement the alcohol, tobacco, drugs, and other substances Board policy by collaboration with school personnel, students, parents/guardians and the community at large.

(Continued)

## Students

**SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)  
(Cont'd.)**

Additionally, copies of Board policy shall be disseminated to District staff, parents/guardians and community members. The Superintendent/designee shall periodically review the tobacco, drugs and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Safe and Drug-Free Schools and Communities Act  
As reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) Section 7101 et seq.

NOTE: Refer also to Policies #3280 -- Community Use of School Facilities  
#3410 -- Code of Conduct on School Property  
#5640 -- Smoking/Tobacco Use  
#7310 -- School Conduct and Discipline  
#8211 -- Prevention Instruction  
*District Code of Conduct on School Property*

Adopted: 8/19/04

**SUBJECT: SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. A student may be searched and contraband seized on school grounds or in a school building by a School District employee only when the School District employee has reasonable suspicion to believe the student is engaging in proscribed activity which is in violation of school rules and/or illegal.

Factors to be considered in determining whether reasonable suspicion exists to search a student include:

- a) The age of the student;
- b) The student's record and past history;
- c) The predominance and seriousness of the problem in the school where the search is directed; and
- d) The urgency to conduct the search without delay.

If reasonable suspicion exists to believe that a student possesses a weapon, it is permissible for a School District employee to search that student.

**Lockers**

Lockers are provided by the school for student use and the administration has the right to search lockers. A student may have exclusive use of a locker as far as other students are concerned but he/she does not have such exclusivity over the locker as it relates to the school authorities.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, if possible, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

(Continued)

Students

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)**

The questioning of students by school officials does not preclude subsequent questioning/interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

School officials acting alone and on their own authority, without the involvement of or on behalf of law enforcement officials (at least until after the questioning of students by school authorities has been conducted) are not required to give the so-called "Miranda warnings" (i.e., advising a person, prior to any custodial interrogations as defined in law, of the right to remain silent; that any statement made by the individual may be used as evidence against him/her; and that the individual has the right to the presence of an attorney, either retained or appointed) prior to the questioning of students.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

**Law Enforcement Officials**

It shall be the policy of the Marlboro Central School District that a cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The School District's administrators shall at all times act in a manner that protects and guarantees the rights of students and parents.

(Continued)

**SUBJECT: SEARCHES AND INTERROGATIONS (Cont'd.)****Interrogation of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal). Police authorities may also question students for general investigations, general questions regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

**Child Protective Services' Investigations**

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

The Superintendent shall establish regulations regarding personal searches and interrogations of students in accordance with this policy and the law.

Family Court Act Section 1024  
Education Law Sections 1604(9) and (30),  
1709(2) and (33) and 2801  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(l)

## Students

**SUBJECT: BUS RULES AND REGULATIONS**

The Marlboro Central School District furnishes transportation to those students whose disability or distance from the school make the service essential. Except as otherwise mandated in a student's Individualized Education Program (IEP), riding these buses is a privilege and may be withdrawn if the student does not comply with the rules and regulations set forth in this District.

Students riding school buses are expected to conform to the rules of conduct in order to permit the bus driver to transport his/her passengers safely.

The Board of Education, the Superintendent and/or his/her designee has the authority to suspend the transportation privileges of children who are disorderly and insubordinate on buses. In these cases, the parents/guardians of the children involved become responsible for seeing that their children get to and from school safely.

Bus drivers shall be held responsible for reasonable and acceptable behavior of students while riding the school bus.

The Board directs the administration to establish rules and regulations for student conduct on buses, including applicable due process rights to be afforded students suspended from transportation privileges. These rules and regulations shall be promulgated to all concerned, including the non-public schools to which students are transported.

8 New York Code of Rules and Regulations  
(NYCRR) Section 156  
20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)

Adopted: 8/19/04

## Students

**SUBJECT: CORPORAL PUNISHMENT**

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Marlboro Central School District authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

Rules of the Board of Regents Section 19.5  
8 New York Code of Rules and Regulations  
(NYCRR) Section 100.2(1)(3)

Students

**SUBJECT: WEAPONS IN SCHOOL**

The possession of a weapon on school property, in District vehicles, in school buildings, or at school sponsored activities or settings under the control and supervision of the District regardless of location, is strictly prohibited, except by law enforcement personnel. Any person possessing a weapon for educational purposes in any school building must have written authorization of the Superintendent of Schools or his/her designee.

The Penal Code of the State of New York shall also be used to determine what is considered a weapon.

Penal Law Section 265.01

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds  
#7361 -- Gun-Free Schools

Adopted: 8/19/04

## Students

**SUBJECT: GUN-FREE SCHOOLS**

No student shall bring or possess any "firearm" as defined in federal law on school premises (including school buildings and grounds, District vehicles, school settings and/or school sponsored activities under the control and supervision of the District regardless of location). For purposes of this policy, the term "firearm" includes any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of such weapon; any firearm muffler or silencer; or any "destructive device" (e.g., any explosive, incendiary, or poison gas, including bombs, grenades, rockets or other similar devices). The term does not include a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; antique firearms; or Class C common fireworks.

In accordance with the Gun-Free Schools Act Section 3214(3)(d) of the Education Law, any student who brings or possesses a firearm, as defined in federal law, on school property, will be referred by the Superintendent to the appropriate agency or authority for a juvenile delinquency proceeding in accordance with Article 3 of the Family Court Act when the student is under the age of sixteen (16) except for a student fourteen (14) or fifteen (15) years of age who qualifies for juvenile offender status under the Criminal Procedure Law, and will be referred by the Superintendent to the appropriate law enforcement officials when the student is sixteen (16) years of age or older or when the student is fourteen (14) or fifteen (15) years of age and qualifies for juvenile offender status under the Criminal Procedure Law.

In addition, any student attending a District school who has been found guilty of bringing a firearm to or possessing a firearm on school property, after a hearing has been provided pursuant to Section 3214 of the Education Law, shall be suspended for a period of not less than one (1) calendar year and any student attending a non-district school who participates in a program operated by the School District using funds from the Elementary and Secondary Education Act of 1965 who is determined to have brought a firearm to or possessed a firearm at a District school or on other premises used by the School District to provide such programs shall be suspended for a period of not less than one (1) calendar year from participation in such program. The procedures of Education Law Section 3214(3) shall apply to such a suspension of a student attending a non-district school. Further, after the imposition of the one (1) year penalty has been determined, the Superintendent of Schools has the authority to modify this suspension requirement for each student on a case-by-case basis. In reviewing the student's one (1) year suspension penalty, the Superintendent may modify the penalty based on factors as set forth in Section 100.2 of the Regulations of the Commissioner of Education and in Commissioner's Decisions. The determination of the Superintendent shall be subject to review by the Board of Education in accordance with Education Law Section 3214(3)(c) and by the Commissioner of Education in accordance with Education Law Section 310.

(Continued)

**SUBJECT: GUN-FREE SCHOOLS (Cont'd.)****Student with a Disability**

A student with a disability who is determined to have brought a firearm to school or possessed a firearm at school may be placed in an interim alternative educational setting, in accordance with federal and state law, for not more than forty-five (45) calendar days. If the parent or guardian requests an impartial hearing, the student must remain in the interim alternative placement until the completion of all proceedings, unless the parent or guardian and District can agree on a different placement.

A student with a disability may be given a long term suspension pursuant to the Gun-Free Schools Act only if a group of persons knowledgeable about the student, as defined in federal regulations implementing the IDEA, determines that the bringing of a firearm to school or possessing a firearm at school was not a manifestation of the student's disability, subject to applicable procedural safeguards.

If it is determined that the student's bringing of a firearm to school or possessing a firearm at school was a manifestation of the student's disability, the Superintendent must exercise his/her authority under the Gun-Free Schools Act to modify the long term suspension requirement, and determine that the student may not be given a long term suspension for the behavior. The Committee on Special Education may review the student's current educational placement and initiate change in placement proceedings, if appropriate, subject to applicable procedural safeguards.

The District may offer home instruction as an interim alternative educational setting during the pendency of review proceedings only if the student's placement in a less restrictive alternative educational setting is substantially likely to result in injury either to the student or to others.

The District may also seek a court order to immediately remove a student with a disability from school if the District believes that maintaining the student in the current educational placement is substantially likely to result in injury to the student or to others.

Students with disabilities continue to be entitled to all rights enumerated in the Individuals With Disabilities Education Act and Article 89 of the Education Law; and this policy shall not be deemed to authorize suspension of students with disabilities in violation of these laws.

This policy does not prohibit the District from utilizing other disciplinary measures including, but not limited to, out-of-school suspensions for a period of five days or less, or in-school suspensions, in responding to other types of student misconduct which infringe upon the established rules of the school. Additionally, this policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

(Continued)

Students

**SUBJECT: GUN-FREE SCHOOLS (Cont'd.)**

The District will continue to provide the suspended student who is of compulsory attendance age with appropriate alternative instruction during the period of the student's suspension.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001  
Individuals With Disabilities Education Act (IDEA)  
18 United States Code (USC) Section 921(a)  
20 United States Code (USC) Sections 1400-1485 and 7151  
Criminal Procedure Law Section 1.20(42)  
Education Law Sections 310, 809-a, 3214, and Article 89  
Family Court Act Article 3  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2 and Part 200

NOTE: Refer also to Policies #3411 -- Unlawful Possession of a Weapon Upon School Grounds  
#7360 -- Weapons in School

Adopted: 8/19/04

## Students

**SUBJECT: THREATS OF VIOLENCE IN SCHOOL**

The School District is committed to the prevention of violence against any individual or property in the schools or at school activities whether such acts and/or threats of violence are by students, staff, or others.

While acknowledging an individual's constitutional rights, including applicable due process rights, the District refuses to condone acts and/or threats of violence which threaten the safety and well being of staff, students and the school environment. Employees and students shall refrain from engaging in physical actions or threatening statements which create a safety hazard for others.

Any acts and/or threats of violence, whether such threats are made orally, in writing, or by e-mail, shall be subject to appropriate disciplinary action in accordance with applicable law, District policies and regulations, the Student Code of Conduct, and collective bargaining agreements, as may be necessary.

All staff who are made aware of physical acts and/or threats of violence directed to students, staff or the school building are to report such incidents to the building principal, who shall report these occurrences of violence, whether involving an actual confrontation or a threat of potential violence, to the student's parents/guardians, the school psychologist and/or counselor, and the Director of Pupil Personnel Services, if applicable. Local law enforcement agencies may also be called as necessary upon the determination of the Superintendent/designee.

Students are urged to report all acts and/or threats of violence, including threats of suicide, of which they are aware by calling the school hotline, or notifying a faculty member or the building principal.

The District reserves the right to seek restitution, in accordance with law, from the parent/guardian and/or student for any costs or damages which had been incurred by the District as a result of the threats or acts of violence in the schools.

This policy will be disseminated, as appropriate, to students, staff, and parents and will be available to the general public upon request.

Regulations will be developed to address safety concerns in the schools, and appropriate sanctions for violations of this policy by students will be addressed in the Student Code of Conduct.

Adopted: 8/19/04

**SUBJECT: EXTRACURRICULAR ACTIVITIES**

The Board of Education considers extracurricular activities to be a valuable part of the program of the school and shall support these activities within the financial means of the District.

**Limited Open Forum**

The Board of Education maintains a limited open forum where secondary students may meet for voluntary student-initiated activities unrelated directly to the instructional program, regardless of religious, political or philosophical content.

To provide "a fair opportunity" to students who wish to conduct a meeting, the Board of Education, in accordance with the provisions of the Equal Access Act, shall ensure that:

- a) The meeting is voluntary and student-initiated;
- b) There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- c) Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
- d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- e) Nonschool persons may not direct, conduct, control, or regularly attend activities of student groups (20 USC Section 4071[c]).

The Board prohibits student organizations whose activities may be unlawful or may cause disruption or interference with the orderly conduct of the educational process.

Administration is responsible for establishing regulations governing the use of school facilities by student organizations.

**Eligibility for Attendance**

- a) Students who are suspended from school on a day of an athletic game or practice session, party, school dance, or other school affair scheduled after regular school hours are not eligible for participation or attendance at such events.

(Continued)

**SUBJECT: EXTRACURRICULAR ACTIVITIES (Cont'd.)**

- b) In order for students to attend a school-sponsored function, it is necessary that students attend classes for at least one half (1/2) of the school day on the day of the activity, unless otherwise excused by the building administrator. One-half (1/2) of the school day is defined as follows: from 8:30 a.m. until noon or from noon until the end of the school day.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 172.1 and 172.2  
Education Law Sections 1709, 1709-a, 2503-a, and  
2554-a  
Equal Access Act,  
20 United States Code (USC) Sections 4071-4074

Students

**SUBJECT: CENSORSHIP OF SCHOOL SPONSORED STUDENT PUBLICATIONS AND ACTIVITIES**

The District may exercise editorial control over the style and content of student speech in school sponsored publications and activities that are part of the educational curriculum.

Student publications which are not part of the school curriculum provide students with an opportunity to express their views and to communicate within and beyond the school community. The opinions expressed in such newspapers do not, however, necessarily represent the community as a whole, or the administration. Students are free to express their opinions (including on such matters as school budget votes) in such publications, so long as the opinions are clearly identified as such, bear the name of the author; and an opportunity is provided for differing opinions. However, material that is obscene as to minors; libelous; or which will/may cause a material and substantial disruption of school activities is not protected speech, and the Board reserves its right to exercise prepublication control over such speech.

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM**

Athletics are an integral part of a well balanced educational program. Therefore, the Board supports within its resources a broad sports program with equal access for both males and females, with emphasis on maximum participation, through interscholastic and intramural activity.

The interscholastic athletic program shall conform to the Regulations of the Commissioner of Education as well as the established rules of the New York State Public High Schools Athletic Association and the State Education Department.

Eligibility for interscholastic athletic competition requires that the students:

- a) Provide written parental/guardian consent;
- b) Pass satisfactorily the medical examination administered by the school physician/nurse practitioner or the student's personal physician. The school physician retains final approval on all physicals performed by the student's personal physician; and
- c) Meet the requirements for interscholastic competition as set forth by the Commissioner's Regulations and the New York State Public High School Athletic Association.

**Selection/Classification Process**

The Board approves the use of the selection/classification process for all secondary school interscholastic team members. The Board directs the Superintendent to implement the procedures and maintain a file of those students deemed eligible as a result of those procedures.

**Student Athletic Injuries**

No student should be allowed to practice or play in an athletic contest if he/she is suffering from an injury. The diagnosis of and prescription of treatment for injuries is strictly a medical matter and should under no circumstances be considered within the province of the coach. A coach's responsibility is to see that injured players are given prompt and competent medical attention, and that all details of a doctor's instructions concerning the student's functioning as a team member are carried out. No student will be allowed to practice or compete if there is a question whether he/she is in adequate physical condition.

A physician's certificate may be required before an athlete is permitted to return to practice or competition.

(Continued)

**SUBJECT: SPORTS AND THE ATHLETIC PROGRAM (Cont'd.)****Athletic Program - Safety**

The District will take reasonable steps to see that physical risks to students participating in the interscholastic athletic program shall be kept at a minimum by:

- a) Requiring medical examinations of participants;
- b) Obtaining appropriately certified and/or licensed officials to coach all varsity, junior varsity, and modified games.
- c) Ensuring that equipment is both safe and operative within approved guidelines.

8 New York Code of Rules and Regulations  
(NYCRR) Section 135

## Students

**SUBJECT: ACADEMIC ELIGIBILITY**

It is the purpose of this policy to establish uniform academic criteria for participation in co-curricula, extra-curricula and interscholastic athletics programs of the district.

Academic eligibility will be determined at five-week intervals. A student that is failing two (2) or more subjects will be placed on academic probation. After a probationary period of two weeks (during which a student can continue to participate) the student's academic progress will be determined. A student that has demonstrated academic progress (failing no more than one (1) subject) may continue to participate. A student that has not demonstrated satisfactory progress (failing two (2) or more subjects) will be declared ineligible to participate until the next grade report. A student is permitted probationary status twice in an academic year. A student failing two (2) more subjects and no longer eligible for probationary status will be ineligible for a minimum of five (5) weeks.

A student no longer eligible for probationary status may apply for continued probation to the Academic Eligibility Committee. Application must be made to the building principal within five (5) days of the suspension of eligibility.

The Academic Eligibility Committee may:

- a) Deny the student a hearing
- b) Grant the student a hearing and
  1. Deny continued probation
  2. Grant continued probation

Final grades will be used to determine academic standings for fall activities. It is the responsibility of each coach or co-curricular advisor to inform his/her team activity about State and District regulations pertaining to eligibility.

## Students

**SUBJECT: CONTESTS FOR STUDENTS, STUDENT AWARDS AND SCHOLARSHIPS****Contests for Students**

Distribution of educational material, essay contests, and poster contests must be approved in advance by the building principals if the sponsoring organization wishes to involve students in the project on school time. Samples of informational material should accompany the request. Upon the judgment of the principal, the request may be forwarded to the Superintendent and the Board of Education for approval.

**Student Awards and Scholarships**

The School District may obtain and award to its students awards and scholarships. The Board of Education, having been entrusted by law, will hold in trust gifts, grants, bequests and legacies given or bequeathed to the Marlboro Central School District and shall apply the same and/or their interest and proceeds according to the instruction of the donors and according to the procedures established by the administration.

Awards and/or scholarships that are to be continued annually and are awards or scholarships of fifty dollars (\$50) or more, may, at the request of the donating person or organization, be deposited in the School's Trust and Agency Fund. Prior to the establishment of such an account, it will be necessary for the donating person or organization to define the criteria for the selection of the recipient.

Education Law Sections 1604(30) and 1709(12-a)

Adopted: 8/19/04

## Students

**SUBJECT: MUSICAL INSTRUMENTS**

- a) All instrumental music students shall be expected to own or rent their instrument - particularly the common and less expensive instruments (flute, clarinet, trumpet, saxophone, etc.).
- b) Students will not be required to own or rent the less common and more expensive instruments. Instruments in this category are as follows: oboe, bassoon, tuba, French horn, trombone, baritone horn, tenor and baritone saxophones, bass trombone and percussion instruments. School-owned instruments in this classification will be disbursed upon decisions by the instrumental music staff. Decisions will be dependent upon the individual student's talent and merit and the need for a balanced instrumentation at each grade level.
- c) Students and parents/guardians will assume responsibility for proper care of school-owned instruments and will pay for damages to same.
- d) The District will only transport in its vehicles those instruments meeting certain safety standards as indicated in the New York State Department of Transportation Regulations.

New York State Department of Transportation  
Regulations Section 720.22

Students

**SUBJECT: FUND RAISING BY STUDENTS**

Fund raising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the building principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fund raising activities away from school property shall be held to a minimum.

Door to door sales projects undertaken by any organization using the Marlboro Central School District name shall require previous approval of the Board of Education. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

All participation shall be voluntary, with written parent/legal guardian consent for children in grades K through 8.

8 New York Code of Rules and Regulations  
(NYCRR) Section 19.6  
New York State Constitution, Article VIII, Section 1  
Education Law Section 414

NOTE: Refer also to Policy #3271 -- Solicitation of Charitable Donations From School Children

Adopted: 8/19/04

Students

**SUBJECT: CONSTITUTIONALLY PROTECTED PRAYER IN THE PUBLIC SCHOOLS**

In accordance with the most recent Guidance Document issued by the U.S. Department of Education implementing the requirements of the No Child Left Behind Act of 2001, the Board of Education affirms the responsibilities of the School District, consistent with applicable statutory/case law pertaining to the First Amendment of the United States Constitution, to allow students and staff to engage in constitutionally protected prayer within the District schools.

Accordingly, no Board of Education policy shall prevent, or otherwise deny participation in, constitutionally protected prayer in District schools, consistent with the Guidance Document and applicable law as enumerated above.

The Board rescinds any other policy that may be inconsistent with the mandates of this policy, which shall supersede any and all Board policies to the contrary.

Elementary and Secondary Education Act of 1965,  
Section 9524, as amended by the No Child Left Behind  
Act of 2001  
United States Constitution, First Amendment  
Equal Access Act,  
20 United States Code (USC) Sections 4071-4074

NOTE: Refer also to Policy #8370 -- Religious Expression in the Instructional Program

Adopted: 8/19/04

## Students

**SUBJECT: IMMUNIZATION OF STUDENTS**

The Board of Education recognizes its responsibility under the Public Health Law to insure that the children under its charge are immunized against measles, polio, diphtheria, mumps, rubella, \*Haemophilus influenzae type b Conjugate Vaccine (HBCV), and \*\*hepatitis B. Additionally, the varicella (chicken pox) vaccine shall be required for all children born on or after January 1, 1998 who will enter grades kindergarten and above in September 2003; and for all children born on or after January 1, 2000 and enrolled in any school as defined in Public Health Law Section 2164(1). The Board, therefore, requires that a physician's certificate or some other acceptable evidence of immunization be submitted for all children entering and presently attending school.

The Board directs the administration not to permit any child lacking evidence of immunization to remain in school for more than fourteen (14) days, or thirty (30) days for an out-of-state transferee who can show an effort to obtain the necessary evidence or certification. The administration should notify the local health authority of the name and address of the child, as well as to provide the person in parental relation to the child who has been denied admission or attendance a statement of his/her duty regarding immunization and a consent form prescribed by the Commissioner of Health. The school shall cooperate with the local health authorities to provide a time and place for the immunization of children lacking same.

The only exceptions to this policy are as follows:

- a) If a child whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices required, no certificate shall be required as a prerequisite to such child being admitted or received into school or attending school;
- b) If a physician will certify that administering a vaccine to a particular child is detrimental to the child's health, the requirement may be waived by the Board.

A student denied entrance or attendance due to failure of meeting health immunization standards may appeal to the Commissioner of Education.

\* Applicable only to Pre-K, Nursery and Day Care.

\*\* Shall apply to children born on or after January 1, 1993, beginning with their enrollment in any public, private or parochial kindergarten, elementary, intermediate or secondary school, and to children born on or after January 1, 1995, beginning with their enrollment in any school, as defined in Public Health Law Section 2164(1)(a). Also, on or after September 1, 2000, all children are to be immunized against hepatitis B prior to enrollment in the seventh (7th) grade in any public, private or parochial intermediate or middle school.

(Continued)

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Students

**SUBJECT: IMMUNIZATION OF STUDENTS (Cont'd.)**

Public Health Law Section 2164  
Education Law Section 914  
10 New York Code of Rules and Regulations  
(NYCRR) Subpart 66-1

Adopted: 8/19/04

## Students

**SUBJECT: STUDENT PHYSICALS**

All students shall have a periodic physical examination as indicated below by the school physician/nurse practitioner at the District's expense and such examination shall be conducted in accordance with all legal requirements. In addition, vision-screening services will be provided to all new admissions within six months of enrollment.

Proof of examination by a private physician, subject to the approval of the school physician/nurse practitioner, shall be accepted in lieu of an examination in school. Private physicians shall indicate this proof using forms provided by the District. Such examinations shall be at the expense of the parent/guardian.

The required physical exams are as follows:

- a) Grades K, one, three, seven, and ten;
- b) Students transferring into the District whose health records show no examination in the previous grade listed in a) above;
- c) All athletes prior to their first sport of the school year, then only those who were injured or ill during their first sport before participating in a second sport during that school year;
- d) All students who need a work permit;
- e) All students referred.

For information addressing Exposure Control Program, Communicable Diseases and AIDS/HIV, refer to Policies #5690, #5691 and #5692 respectively.

Education Law Sections 902, 903, 905 and 912  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 135.4 and Part 136

## Students

**SUBJECT: ADMINISTRATION OF MEDICATION**

Under certain circumstances, when it is necessary for a student to take medication during school hours, the school nurse may administer the medication if the parent or guardian submits a written request accompanied by a written request from a physician indicating the frequency and dosage of prescribed medication. The parent or guardian must assume responsibility to have the medication delivered directly to the health office in a properly labeled original container.

Procedures for taking medications off school grounds or after school hours while participating in a school-sponsored activity will be in accordance with State Education Department Guidelines.

**Emergency Medication**

The administration of emergency medication (injectable, including "epi-pens," and/or oral) to a student for extreme hypersensitivity may be performed by any school staff member responding to the emergency. Such a response would fall under the Good Samaritan exemption for rendering emergency care during a life threatening situation.

**Use Of Inhalers In Schools**

The School District permits students who have been diagnosed by a physician or other duly authorized health care provider as having a severe asthmatic condition to carry and use a prescribed inhaler during the school day. Prior to permitting such use, the school health office must receive the written permission of the prescribing physician or other duly authorized health care provider, and parental consent, based on such physician's or provider's determination that the student is subject to sudden asthmatic attacks severe enough to debilitate that student.

A record of such physician or health care provider/parental permission shall be maintained in the school health office.

Health office personnel will maintain regular parental contact in order to monitor the effectiveness of such self-medication procedures and to clarify parental responsibility as to the daily monitoring of their child to ensure that the medication is being utilized in accordance with the physician's or provider's instructions. Additionally, the student will be required to report to the health office on a periodic basis as determined by health office personnel so as to maintain an ongoing evaluation of the student's management of such self-medication techniques, and to work cooperatively with the parents and the student regarding such self-care management.

Students who self-administer medication without proper authorization, under any circumstances, will be referred for counseling by school nursing personnel. Additionally, school administration and parents will be notified of such unauthorized use of medication by the student, and school administration may also be involved in determining the proper resolution of such student behavior.

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Students

**SUBJECT: HEALTH RECORDS**

The school shall keep a convenient, accurate, and up-to-date health record of every student. Insofar as the health records include confidential disclosures or findings, they shall be kept confidential. Individual records may be interpreted by the nurse to administrators, teachers, and counselors, consistent with law.

8 New York Code of Rules and Regulations  
(NYCRR) Part 136

Adopted: 8/19/04

## Students

**SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**

Procedures shall be established and maintained by the Superintendent for the handling of student injuries and medical emergencies that occur on school property and during school activities.

**Student Emergency Treatment**

All staff members of the School District are responsible to obtain first aid care of students who are injured or become ill while under school supervision.

In most instances first aid should be rendered, and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board of Education encourages all staff members to become qualified to give emergency treatment through instruction in first aid and Cardiopulmonary Resuscitation (CPR).

**Transporting an Ill or Injured Student**

In the event of an illness or injury to a student, an ambulance may be called if warranted. This solution will be used after other alternatives, including parent/guardian contact, have been made.

**Insurance**

The Board of Education shall approve provisions for all students to be covered by group insurance.

Such student accident insurance policies are to be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a, b) and 1709(8-a, b)

Adopted: 8/19/04

Students

**SUBJECT: CHILD ABUSE**

The Marlboro Central School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse/neglect;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report; and
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Social Services Law Sections 411-428  
Family Court Act Section 1012  
Education Law Section 3209-a

**Child Abuse in an Educational Setting**

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

- c) Any child sexual abuse, defined as conduct prohibited by Article 130 or 263 of the Penal Law; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Article 235 of the Penal Law.

"Educational setting" shall mean the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations, including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

**Prohibition of "Silent" (Unreported) Resignations**

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

(Continued)

Students

**SUBJECT: CHILD ABUSE (Cont'd.)**

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

Education Law Sections 1128-33 and 3028-b  
Penal Law Article 130, 235 and 263  
8 New York Code of Rules and Regulations  
(NYCRR) Part 83

Adopted: 8/19/04

Students

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS**

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Administration shall be responsible for:

- a) Establishing rules and regulations for the redress of complaints or grievances through proper administration channels;
- b) Developing an appeals process;
- c) Ensuring that students have full understanding and access to these regulations and procedure; and
- d) Providing prompt consideration and determination of student complaints and grievances.

**Complaints and Grievances Coordinator**

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex, sexual orientation or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, or marital status.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.

(Continued)

Students

**SUBJECT: COMPLAINTS AND GRIEVANCES BY STUDENTS (Cont'd.)**

Title VI of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-d et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

The Americans With Disabilities Act,  
42 United States Code (USC) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed,  
color, national origin, sex, marital status, sexual  
orientation or disability.

New York State Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed,  
color, national origin, sex, sexual orientation, disability,  
military status, or marital status.

Age Discrimination in Employment Act,  
29 United States Code Section 621

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Adopted: 8/19/04

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

(Continued)

Students

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

(Continued)

**SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Title IX of the Education Amendments of 1972,  
20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR)  
Section 100 et seq.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (USC) Section 2000-e et seq.

The Civil Rights Act of 1991  
42 United States Code (USC) Section 1981(a)

29 Code of Federal Regulations (CFR)  
Section 1604.11(a)

Executive Law Sections 296 and 297

## Students

**SUBJECT: NOTIFICATION OF SEX OFFENDERS**

In accordance with the Sex Offender Registration Act ("Megan's Law"), the Board of Education supports the New York State Department of Criminal Justice Services (DCJS) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the District shall cooperate with local police authorities and the local community in promoting and protecting the safety and well being of its students.

It is the policy of the Board of Education to disseminate all information which the District receives from local police authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the offender during the course of their school duties including, but not limited to, building principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of our students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable building principal/designee or supervisor.

Staff members shall inform their immediate supervisor if they observe within the school building, on school grounds, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement officials will be notified of this information by the District as appropriate.

Information that is disseminated to the School District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the School District receives regarding a sex offender from a source other than the Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the District, upon written request, in accordance with the requirements of the Freedom of Information Law.

**Implementation**

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C  
Public Officers Law Section 84 et seq.

Adopted: 8/19/04

## Students

**SUBJECT: SUPERVISION OF STUDENTS**

Students working on any activity must be supervised by the teacher or staff member in charge of the activity. This applies to all in school and extracurricular activities as well as sports activities and events. Permission to hold practices or meetings must not be granted unless a teacher or staff member is definitely in charge.

- a) District personnel will be fully responsible for the supervision of all students in either their class or their after school activities.
- b) Coaches will maintain supervision over the dressing rooms by personally being present during the dressing periods. Coaches are responsible for the supervision of their athletes at the end of practice. This may entail bus duty, or making sure students have transportation home.
- c) Teachers and/or assigned school personnel in the elementary grades will be responsible for the playground supervision of all the children under their jurisdiction during the recess periods and before the regular afternoon sessions. The principal will distribute the responsibility so that the playground situation will be properly controlled.
- d) Students are not to be sent on any type of errand away from the building without the consent of the principal.

NOTE: Refer also to Policy #5730 -- Transportation of Students: Transportation to School Sponsored Events

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is a victim of a violent criminal offense, as defined pursuant to Education Law and Commissioner's Regulations, that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the federal No Child Left Behind Act (NCLB) and state law and regulations.

In accordance with Commissioner's Regulations, a "safe public school shall mean a public school that has not been designated by the Commissioner [of Education] as a persistently dangerous public elementary or secondary school."

**Violent Criminal Offense**

The superintendent shall determine if the student has been the victim of a "violent criminal offense." "Violent criminal offense" means a crime that:

- a) Involves infliction of a serious physical injury upon another as defined in New York State Penal Law Section 10.00(10); or
- b) A sex offense that involves forcible compulsion; or
- c) Any other offense defined in State Penal Law Section 10.00(12) that involves the use or threatened use of a deadly weapon.

**Determination Whether Student is a Victim**

Procedures shall be established for determination by the Superintendent of whether a student is a victim of a violent criminal offense that occurred on school grounds of the school the student attends. The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency. However, a criminal conviction is not required prior to the Superintendent's determination that a student has been a victim of a violent criminal offense. The Superintendent may also consult with the School District's attorney prior to making such determination.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceeding brought against the alleged victim or perpetrator of such violent criminal offense.

(Continued)

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)****Notice to Parents/Persons in Parental Relation**

A school district that is required to provide school choice in accordance with applicable provisions of the federal No Child Left Behind Act of 2001, Education Law and Commissioner's Regulations, shall establish procedures for notification of parents of, or persons in parental relation to, students who are victims of violent criminal offenses of their right to transfer to a safe public school within the district and procedures for such transfer. Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. The School District shall so notify the parents of, or persons in parental relation to, such student within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.

Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student. Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible. Similarly, procedures for such notification of parents/persons in parental relation to students who are victims of violent criminal offenses shall not be required where the School District has only one public school within the District or only one public school at each grade level.

**Designation of Safe Public School**

It shall be the responsibility of the School District, based on objective criteria, to designate a safe public school or schools within the District to which students may transfer. However, the District is not required to designate a safe public school where there are no other public schools within the District at the same grade level or transfer to a safe public school within the District is otherwise impossible. Similarly, if the District has only one public school within the School System or only one public school at each grade level, the School District shall not be required to designate a safe public school.

(Continued)

Students

**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)**

Any student who transfers to a safe public school, in accordance with the provisions of this policy and applicable law and regulation, shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school. The receiving school shall be identified by the District and must be at the same grade level as the school from which the student is transferring. To the extent possible the School District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as requiring school improvement, corrective action, or restructuring. The District shall provide transportation for any student permitted to transfer to the safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4). Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have the child remain at the school he/she currently attends.

Elementary and Secondary Education Act of 1965,  
Section 9532, as amended by the No Child Left Behind  
Act of 2001  
Education Law Section 2802(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 120.5

Adopted: 8/19/04

Students

**SUBJECT: SPECIAL EDUCATION: DISTRICT PLAN**

A District plan shall be developed and updated every two (2) years describing the Special Education program in the Marlboro Central School District. The District plan shall include the following:

- a) A description of the nature and scope of special education programs and services currently available to students residing in the District, including but not limited to descriptions of the District's resource room programs and each special class program provided by the District in terms of group size and composition.
- b) Identification of the number and age span of students (school age and preschool) to be served by type of disability and recommended setting.
- c) The method to be used to evaluate the extent to which the objectives of the program have been achieved.
- d) A description of the policies and practices of the Board of Education to ensure the allocation of appropriate space within the District for special education programs that meet the needs of students and preschool children with disabilities.
- e) A description of the policies and practices of the Board of Education to ensure that appropriate space will be continually available to meet the needs of resident students and preschool students with disabilities who attend special education programs provided by Boards of Cooperative Educational Services.
- f) A description of how the District intends to ensure that all instructional materials to be used in the schools of the District will be made available in a usable alternative format for each student with a disability at the same time as such instructional materials are available to non-disabled students.
- g) The estimated budget to support such plan.
- h) The date on which such plan was adopted by the Board of Education.
- i) A description of how the District plan is consistent with the special education space requirements plan for the region as developed by the Board of Cooperative Educational Services.

The District plan, with personally identifiable student information deleted, shall be filed and available for public inspection and review by the Commissioner.

8 New York Code of Rules and Regulations  
(NYCRR) Part 155 and Section 200.2(c)

Adopted: 8/19/04

## Students

**SUBJECT: CHILDREN WITH DISABILITIES**

The Board of Education recognizes the existence of individual differences in the intellectual, social, emotional and physical development of children attending school in the District. In recognizing these differences the Board supports a system of services offered in the least restrictive environment for children with disabilities which includes:

- a) Education in regular classes with or without support services, education in a resource room, education for part of the day in a special class, full time education in a special class, home instruction and education in a residential setting.
- b) Providing for the education of students with disabilities with non-disabled peers to the extent appropriate.
- c) Consideration of the location of a school program(s) to a student's residence, before placement into an educational program.
- d) Adoption of written policies and procedures ensuring that students with disabilities are provided appropriate opportunities to earn a high school diploma in accordance with Commissioner's Regulations.
- e) Allocation of appropriate space within the District for special education programs that meet the needs of students with disabilities.
- f) Assurance that appropriate space will be available to meet the needs of resident students with disabilities who attend special education programs provided by BOCES.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
State Law - Education Law Sections 4401-4407  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.2(b)(3),  
200.2(c)(2)(v), and 200.6(a)(1)

NOTE: Refer also to Policy #7615 -- Least Restrictive Environment

Adopted: 8/19/04

## Students

**SUBJECT: GROUPING BY SIMILARITY OF NEEDS**

The Board of Education will provide appropriate special education and related services to students with disabilities. Specific guidelines are outlined in the administrative procedures. For those students for whom an appropriate education requires that they be placed together for purposes of special education, the following guidelines shall apply:

- a) That each student with a disability shall be identified, evaluated and placed as determined by the Committee on Special Education (CSE).
- b) The Committee shall determine written goals and corresponding short-term instructional objectives for each student with a disability by considering the special and individual needs of each student with a disability.
- c) The Committee shall recommend to the Board of Education appropriate educational programs and services for each student with a disability based upon the CSE evaluation.
- d) The CSE shall provide information to those teachers and professionals who arrange instructional groups for students with disabilities. Information shall include physical, psychological and social information as well as achievement test results.
- e) The curriculum and instruction provided to students with disabilities who are grouped by similarity of needs shall be consistent with the individual needs of each student in the group.
- f) Students with disabilities may be grouped according to:
  - (1) Academic or educational achievement and learning characteristics;
  - (2) Social needs;
  - (3) Physical development; and
  - (4) Management needs.
- g) When grouping students by similarity of needs, the social needs or physical development of a student shall not be the sole determinant for placement of a student in a special education program.
- h) The management needs of such students may vary, provided that environmental modifications, adaptations, or human or material resources required to meet the needs of any one student in the group are provided and do not consistently detract from the opportunities of other students in the group to benefit from instruction.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3), 200.6(a)(3)

Adopted: 8/19/04

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM**

The Board of Education shall establish at least one Committee on Special Education and one Committee on Preschool Education. The Board shall also establish, as necessary, Subcommittees on Special Education to ensure timely evaluation and placement of students with disabilities.

**Committee on Special Education**

The Board of Education shall, upon completion of its review of the student's Individualized Education Program (IEP), arrange for the appropriate special education programs and services to be provided to a student with a disability as recommended by the Committee on Special Education (CSE). The Board shall notify the parent/guardian of its action in accordance with federal and state law and regulations.

For a student not previously identified as having a disability, the CSE shall provide a recommendation to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the date of receipt of consent to evaluate. For a student with a disability referred for review, a recommendation shall be provided to the Board which shall arrange for the appropriate special education programs and services to be provided within sixty (60) school days of the referral for review. However, if such recommendation of the CSE is for placement in an approved in-state or out-of-state private school, the Board shall arrange for such special education programs and services for students with disabilities within thirty (30) days of the Board's receipt of the recommendation of the CSE.

If on review of the recommendation of the CSE, the Board of Education disagrees with such recommendation, the Board shall follow one of the following procedures:

- a) The Board may remand the recommendation to the CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the CSE, the Board may continue to remand the recommendation to the original committee for additional reviews of its objections or concerns, or establish a second CSE to develop a new recommendation in accordance with the following paragraph, provided that the Board arranges for the programs and services in accordance with the student's IEP within the timelines as outlined above; or, in the alternative,

(Continued)

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

- b) The Board may establish a second CSE to develop a new recommendation for the student. If the Board disagrees with such new recommendation, the Board may remand the recommendation to the second CSE with a statement of the Board's objections or concerns and a request that a timely meeting be held to review and consider such objections or concerns. The second CSE shall consider the Board's objections or concerns, revise the IEP where appropriate, and resubmit a recommendation to the Board. If the Board continues to disagree with the recommendation of the second CSE, the Board may continue to remand the recommendation for additional reviews of its objections or concerns by the second CSE, provided that the Board arranges for the programs and services in accordance with the student's IEP, as developed by the second CSE, within the timelines as outlined above.

Pursuant to Commissioner's Regulations, the Board may not select the recommendation of the original CSE once it has established a second CSE.

The Board shall provide the student's parents/guardians with a copy of the statement of its objections or concerns and notice of due process rights in accordance with Section 200.5 of the Regulations of the Commissioner.

**Committee on Preschool Special Education**

Upon receipt of the recommendation of the Committee on Preschool Special Education (CPSE), the Board of Education shall arrange for the preschool student with a disability to receive such appropriate programs and services in accordance with the student's IEP, commencing with the July, September or January starting date for the approved program, unless such services are recommended by the CPSE less than thirty (30) school days prior to, or after, the appropriate starting date selected for the preschool student with a disability; in that case, such services shall be provided no later than thirty (30) days from the recommendation of the CPSE.

If the Board disagrees with the recommendation of the CPSE, the Board shall send the recommendation back to the CPSE with notice of the need to schedule a timely meeting to review the Board's concerns and to revise the IEP as deemed appropriate. The Board of Education shall provide such notice as required by federal and state law and regulations.

**Subcommittee on Special Education**

The number of Subcommittees on Special Education will be determined by the CSE and the CSE will be responsible for the oversight and monitoring of the activities of each subcommittee to assure compliance with the requirements of applicable state and federal laws and regulations.

(Continued)

**SUBJECT: THE ROLE OF THE BOARD OF EDUCATION IN IMPLEMENTING A STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM (Cont'd.)**

Each Subcommittee may perform the functions for which the CSE is responsible, except:

- a) When a student is considered for initial placement in a special class; or
- b) When a student is considered for initial placement in a special class outside of the student's school of attendance; or
- c) When a student is considered for placements in a school primarily serving students with disabilities or a school outside the District.

Subcommittees shall report annually to the CSE regarding the status of each student with a disability within its jurisdiction. Upon receipt of a written request from the parent or person in parental relationship to a student, the Subcommittee shall refer to the CSE any matter in which the parent disagrees with the Subcommittee's recommendation concerning a modification or change in the identification, evaluation, educational placement or provision of a free appropriate education to the student.

Education Law Sections 4402 and 4410  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(d)(1), 200.4(c) and (d),  
200.5 and 200.16(e)

NOTE: Refer also to Policies #7631 -- Appointment and Training of Committee on Special Education (CSE)/Subcommittee on Special Education Members  
#7632 -- Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 8/19/04

Students

**SUBJECT: PRESCHOOL SPECIAL EDUCATION PROGRAM**

The Board recognizes the need for educational programs for three (3) and four (4) year old children with disabilities and directs that administrative practices and procedures be developed to:

- a) Ensure for the provision of special education services and programs for each preschool child with a disability residing in the District.
- b) Establish a Committee on Preschool Special Education (CPSE) which shall be comprised in accordance with applicable federal and state law and regulation.
- c) Ensure that parents have received and understand the request for consent for evaluation and re-evaluation of a preschool aged child.

Education Law Section 4410  
20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(b)(5)

NOTE: Refer also to Policy #7632 – Appointment and Training of Committee on Preschool Special Education (CPSE) Members

Adopted: 8/19/04

## Students

**SUBJECT: LEAST RESTRICTIVE ENVIRONMENT**

*Least restrictive environment* means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with use of supplementary aids and services, education in regular classes cannot be satisfactorily achieved. The placement of an individual student with a disability in the least restrictive environment shall:

- a) Provide the special education and related services, as well as supplementary aids and services, needed by the student;
- b) Provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- c) Be as close as possible to the student's home.

The District has an obligation, pursuant to law and regulation, to educate students with disabilities in the least restrictive environment. The School District shall ensure that:

- a) Each student with a disability shall be educated with nondisabled students to the maximum extent appropriate;
- b) Each student with a disability shall be removed from the regular educational environment only when the nature or severity of the student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and
- c) To the maximum extent appropriate to the student's needs, each student with a disability shall participate with nondisabled students in nonacademic and extracurricular services and activities.

The District shall ensure that a continuum of alternative placements, in accordance with law and/or regulation, will be available to meet the needs of students with disabilities for special education and related services. To enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate, specially designed instruction and supplementary services may be provided in the regular class. Such services may include, but are not limited to, consultant teacher services and other group or individual supplemental or direct special education instruction.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
State Law – Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.5, 100.9, 200.1(cc), 200.2(b),  
200.4, and 200.6

Adopted: 8/19/04

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION)**

The School District shall establish a plan for implementing schoolwide approaches and prereferral interventions in order to remediate a student's performance *prior to referral* for special education.

The provision of programs and/or services for students starts with consideration/implementation of instruction in the general education curriculum, with appropriate supports and/or modifications as may be necessary. In implementing prereferral intervention strategies, the District may utilize resources/strategies already in place for qualified students including, but not limited to, services available through Section 504 of the Rehabilitation Act of 1973, and Educationally Related Support Services and Academic Intervention Services as defined in Education Law and/or Commissioner's Regulations. All of these programs may be considered as possible components of Prereferral/Intervention Instructional Support Plans. The District will ensure that they have a system in place, with appropriate personnel, for developing, implementing and evaluating prereferral intervention strategies.

The District will provide general education support services, instructional modifications, alternative instructional approaches, or alternative program options to address a student's performance prior to a referral to a Committee on Special Education (CSE). Formal Instructional Support Services Teams (ISST) or other school-based teams (e.g., Direct Student Support Teams or Child Study Teams), will be formed in accordance with law and/or regulations as may be applicable as well as District guidelines. The ISST will include representatives from general and special education as well as other disciplines and include individuals with classroom experience. Parents/persons in parental relation to students will be involved in developing prereferral strategies to address the educational needs of their child. Additionally, the District will seek collaboration between outside agencies and the school prior to a referral of the student to the CSE in order to address necessary student support services.

Administration shall ensure that appropriate opportunities exist for collaboration between general educators and special educators, and that consultation and support are available to teachers and other school personnel to assist parents/persons in parental relation to students and teachers in exploring alternative approaches for meeting the individual needs of any student prior to formal referral for special education.

The determination of prevention and prereferral intervention strategies/services shall consider the student's strengths, environment, social history, language and cultural diversity in addition to the teacher's concerns. The building administrator will further ensure that all staff are familiar with intervention procedures and procedures for operating an ISST.

(Continued)

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)**

Prereferral/Intervention Instructional Support Plans shall be proactive in their strategies to meet the broad range of student needs and to improve student performance. Prereferral/Intervention strategies and/or Instructional Support Plans are to be reviewed and evaluated to determine their effectiveness, and modified as may be appropriate. Appropriate documentation of the prevention and/or intervention strategies implemented shall be maintained.

However, should a referral be made to the CSE during the course of implementing prereferral/intervention instructional support services, the CSE is obligated in accordance with law to continue its duties and functions, and must meet mandatory time lines in evaluating the student for special education services and implementation of an individualized education program, if applicable.

**Educational Related Support Services**

*Educational related support services* (ERSS) means curriculum and instructional modification services; direct student support team services; assessment and non-career counseling services; special instruction to eligible students with disabilities as defined in Education Law Section 4401, which does not generate excess cost aid including related services but excluding transportation and transition services; and to eligible, qualified students pursuant to Section 504 of the Rehabilitation Act of 1973. These services are provided to eligible students, individually or in groups, and may include those related consultation services provided to their families and related school personnel in order to enhance the academic achievement and attendance of such students. Educational related support services shall also mean speech and language improvement services as defined in Commissioner's Regulations.

ERRS Services may be utilized as a component of any Prereferral/Intervention Instructional Support Plan.

**Section 504 of the Rehabilitation Act of 1973**

For students who are qualified for services pursuant to Section 504 of the Rehabilitation Act, but are not classified as students with disabilities as defined in Education Law Section 4401, Section 504 Accommodation Plans may address instructional support services that can be utilized as components of any prereferral/intervention strategies as deemed necessary and/or appropriate.

(Continued)

Students

**SUBJECT: PREREFERRAL INTERVENTION STRATEGIES IN GENERAL EDUCATION  
(PRIOR TO A REFERRAL FOR SPECIAL EDUCATION) (Cont'd.)****Academic Intervention Services**

*Academic intervention services* means additional instruction which supplements the instruction provided in the general curriculum and assists students in meeting the State learning standards as defined in Commissioner's Regulations and/or student support services which may include guidance, counseling, attendance, and study skills which are needed to support improved academic performance. However, such services shall not include services provided to students with limited English proficiency pursuant to Commissioner's Regulations or special education services and programs as defined in Education Law Section 4401. Academic intervention services are intended to assist students who are at risk of not achieving the State learning standards in English language arts, mathematics, social studies and/or science, or who are at risk of not gaining the knowledge and skills needed to meet or exceed designated performance levels on State assessments.

The District has developed a description of the academic intervention services offered to grades K-12 students in need of such services. The District will review and revise this description every two years based on student performance results.

In implementing prevention and/or prereferral intervention support strategies in order to remediate a student's performance prior to referral for special education, the utilization of academic intervention services, as enumerated in Commissioner's Regulations, may be included as a component of any such Prereferral/Intervention Instructional Support Plan.

Education Law Sections 3602(32), 4401 and 4401-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(g), (p), I, (s), and (t);  
100.2(v); 100.2(dd)(4); 100.2(ee); 200.2(b)(7);  
200.4(a)(2) and (9); 200.4(c); and Part 154  
Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES**

The School District shall establish and implement a plan for the appropriate declassification of students with disabilities which must include:

- a) The regular consideration for declassifying students when appropriate;
- b) A reevaluation of the student prior to declassification; and
- c) The provision of educational and support services to the student upon declassification.

**Eligibility Determinations**

The School District must evaluate a student with a disability prior to determining that a student is no longer a student with a disability as defined in accordance with Commissioner's Regulations, and the District shall provide a copy of the evaluation report and the documentation of eligibility to the student's parent. The District is not required to conduct a reevaluation of a student before the termination of a student's eligibility due to graduation with a local high school or Regents diploma or exceeding the age eligibility for a free appropriate public education. However, the parent must receive prior written notice, in accordance with Commissioner's Regulations, before the student's graduation from high school with a local or Regents diploma or before he/she receives an Individualized Education Program (IEP) diploma. The results of any reevaluations must be addressed by the Committee on Special Education (CSE) in a meeting to review and, as appropriate, revise the student's IEP.

Prior to the reevaluation, the School District shall obtain informed parental consent unless otherwise authorized pursuant to law and/or regulation. Parental consent need not be obtained if the District can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parents fail to respond. The District must have a record of its attempts to obtain parental consent. Should the student's parents refuse consent for the reevaluation, the District may continue to pursue the reevaluation by using mediation and/or due process procedures.

The District shall take whatever action is necessary to ensure that the parent understands the proceedings at the meeting of the CSE, including arranging for an interpreter for parents with deafness or whose native language is other than English.

**Individual Evaluation**

As part of any reevaluation, a group that includes the CSE and other qualified professionals, as appropriate, shall review existing evaluation data on the student including evaluations and information provided by the parents of the student, current classroom-based assessments and observations, and observations by teachers and related services providers.

(Continued)

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

On the basis of that review, and input from the student's parents, the CSE and other qualified professionals, as appropriate, shall identify what additional data, if any, are needed to determine:

- a) In the case of a reevaluation of a student, whether the student continues to have such a disability;
- b) The present levels of performance and educational needs of the student;
- c) In the case of a reevaluation of a student, whether the student continues to need special education; and
- d) Whether any additions or modifications to the special education services are needed to enable the student to meet the measurable annual goal set out in the Individualized Education Program (IEP) of the student and to participate, as appropriate, in the general curriculum.

If additional data are not needed, the District must notify the parents of that determination and the reasons for it and of the right of the parents to request an assessment to determine whether, for purposes of services provided in accordance with law and Commissioner's Regulations, the student continues to be a student with a disability. The District is not required to conduct the assessment unless requested to do so by the student's parents.

The CSE shall arrange for an appropriate reevaluation of each student with a disability at least every three (3) years by a multidisciplinary team or group of persons, including at least one (1) teacher or other specialist with knowledge in the area of the student's disability. The reevaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any reevaluations must be addressed by the CSE in reviewing and, as appropriate, revising the student's IEP.

**Recommendation for Declassification**

If the student has been receiving special education services, but it is determined by CSE that the student no longer needs special education services and can be placed in a regular educational program on a full-time basis, the recommendation shall:

- a) Identify the declassification support services, if any, to be provided to the student; and/or the student's teachers; and

(Continued)

Students

**SUBJECT: DECLASSIFICATION OF STUDENTS WITH DISABILITIES (Cont'd.)**

- b) Indicate the projected date of initiation of such services, the frequency of provision of such services, and the duration of these services, provided that such services shall not continue for more than one (1) year after the student enters the full-time regular education program.

**Declassification Support Services**

When appropriate, the District shall provide declassification support services to students who have moved from special education to a full-time regular educational program in accordance with the recommendation of the CSE.

*Declassification support services* means those services provided by persons appropriately certified pursuant to Part 80 of Commissioner's Regulations, or holding a valid teaching license in the appropriate area of service, to a student or the student's teacher to aid in the student's move from special education to full-time regular education, including:

- a) For the student, psychological services, social work services, speech and language improvement services, noncareer counseling, and other appropriate support services; and
- b) For the student's teacher, the assistance of a teacher aide or a teaching assistant, and consultation with appropriate personnel.

**Procedural Safeguards Notice**

The District shall use the procedural safeguards notice prescribed by the Commissioner of Education. The District will further ensure that the procedural safeguards notice is provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the District shall take steps to ensure that the notice is translated orally or by other means to the parent in his/her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that all due process procedures, pursuant to law and/or regulation, have been met.

20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
State Law – Education Law Sections 4401-4410-a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 100.1(q), 100.2(u), 200.2(b)(8),  
200.4(b)(4) and (5), 200.4(c)(3), 200.4(d)(1), and 200.5

Adopted: 8/19/04

Students

**SUBJECT: STUDENTS WITH DISABILITIES PARTICIPATING IN SCHOOL DISTRICT PROGRAMS**

All students with disabilities residing in the District, including those of preschool age, shall be provided with full access and opportunity to participate in School District programs, including extracurricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/guardians of students with disabilities, including those students placed in out-of-District programs, shall receive timely notice of such District programs and activities.

8 New York Code of Rules and Regulations  
(NYCRR) Section 200.2(b)(1) and (2)

Adopted: 8/19/04

## Students

**SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its program and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his/her rights under Section 504 have been violated by the District or its officials.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (USC) Section 794 et seq.

NOTE: Refer also to Policy #7540 -- Complaints and Grievances by Students

Adopted: 8/19/04

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS**

**Committee on Special Education (CSE) Membership**

The Board of Education shall appoint a Committee on Special Education (CSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one (1) special education teacher of the student, or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) An individual who can interpret the instructional implications of evaluation results, who may be a CSE member selected from the regular education teacher, the special education teacher or provider, the school psychologist, or the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) Whenever appropriate, the student with a disability;
- h) A school psychologist;
- i) A school physician, if requested in writing at least seventy-two (72) hours prior to the meeting by the parents of the student or the School District; and
- j) A parent of a student with a disability residing in the District or a neighboring school district, provided that the parent shall not be employed by or under contract with the School District; and provided further that such parent shall not be a required member if the parents of the student request, in writing, that the additional parent member not participate in the meeting.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

**Subcommittee on Special Education Membership**

The Board of Education shall appoint, as necessary, a Subcommittee on Special Education whose membership shall include, but not be limited to, the following members:

The Membership of each subcommittee shall include, but not be limited to, the following members:

- a) The parent(s) of the student;
- b) At least one (1) regular education teacher of such student (if the student is, or may be, participating in the regular education environment);
- c) At least one (1) special education teacher, of the student, or where appropriate, at least one (1) special education provider (i.e., related service provider) of such student;
- d) A representative of the School District who is qualified to provide or administer or supervise special education and who is knowledgeable about the general curriculum and about the availability of resources of the District;
- e) A school psychologist, whenever a new psychological evaluation is reviewed or a change to a program option with a more intensive staff/student ratio, as set forth in Section 200.6(f)(4) of the Regulations of the Commissioner, is considered;
- f) At the discretion of the parent or the Committee, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the subcommittee;
- g) An individual who can interpret the instructional implications of evaluation results, who may be a member described in letters "b" through "f" of this subheading; and
- h) Whenever appropriate, the student with a disability.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON SPECIAL EDUCATION (CSE)/SUBCOMMITTEE ON SPECIAL EDUCATION MEMBERS (Cont'd.)**

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Special Education.

Education Law Section 4402  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.3  
20 United States Code (USC) Sections 1400-1485,  
Individuals with Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR)  
Sections 300.342-344

NOTE: Refer also to Policies #7613 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program  
#7632 -- Appointment and Training of Committee on Preschool Special Education Members

Adopted: 8/19/04

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS****Committee on Preschool Special Education (CPSE) Membership**

The Board of Education shall appoint a Committee on Preschool Special Education (CPSE) whose membership shall include, but not be limited to, the following members:

- a) The parent(s) of the preschool child;
- b) At least one (1) regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- c) At least one (1) special education teacher of the child or, where appropriate, at least one (1) special education provider (i.e., related service provider) of such child;
- d) A representative of the School District who is qualified to provide, or supervise the provision of, special education and who is knowledgeable about the general curriculum and about the availability of preschool special education programs and services and other resources of the District and the municipality (who shall serve as Chairperson of the CPSE);
- e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team selected from the regular education teacher, the special education teacher or provider, the school psychologist, the School District representative described above, or a person having knowledge or special expertise regarding the student as determined by the District;
- f) At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of knowledge or special expertise shall be made by the party (parents or School District) who invited the individual to be a member of the committee;
- g) An additional parent of a child with a disability who resides in the School District or a neighboring school district, and whose child is enrolled in a preschool or elementary level education program provided that such parent shall not be employed by or under contract with the School District or municipality; and provided further that such parent shall not be a required member if the parents of the child request, in writing, that the additional parent member not participate in the meeting.
- h) For a child's transition from early intervention programs and services (Infant and Toddler Programs), the appropriately licensed or certified professional from the County Early Intervention Program. This professional must attend all meetings of the CPSE conducted prior to the child's initial receipt of services; and

(Continued)

Students

**SUBJECT: APPOINTMENT AND TRAINING OF COMMITTEE ON PRESCHOOL SPECIAL EDUCATION (CPSE) MEMBERS (Cont'd.)**

- i) A representative of the municipality of the preschool child's residence. Attendance of the appointee of the municipality is not required for a quorum.

**Training**

The training of qualified personnel is essential to the effective implementation of the Regulations of the Commissioner of Education regarding the education of all students with disabilities.

The Director of Special Education shall be responsible to the Superintendent for establishing administrative practices and procedures for training all District personnel responsible for carrying out the provisions of Part 200 of the Commissioner's Regulations as well as members of the Committee on Preschool Special Education.

Education Law Section 4410  
20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
34 Code of Federal Regulations (CFR) Part 300  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(3) and 200.3

NOTE: Refer also to Policies #7613 -- The Role of the Board of Education in Implementing a Student's Individualized Education Program  
#7614 -- Preschool Special Education Program  
#7631 -- Committee on Special Education/Subcommittee on Special Education Members

Adopted: 8/19/04

Students

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION****Development of Individualized Education Program**

The Board of Education directs that the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) shall have prepared a written statement (program) for each child with a disability.

Such an Individualized Educational Program (IEP) will be developed by the CSE or CPSE upon referral, and reviewed or revised, whichever is appropriate, for every child with a disability at least annually or in the event that the program no longer appears to be appropriate to meet the student's needs and ability level.

**Provision of Copy of Individualized Education Program**

In accordance with state law (Ch. 408 of the Laws of 2002), it is the policy of the Marlboro School District to provide a copy of the IEP to the teacher, related service provider, or other service providers who have responsibility for implementing the IEP for a particular classified student, while respecting the confidentiality of data contained on the IEP in the process.

As soon as practicable after a CSE meeting (and prior to the time that services are to be commenced), the Director of Pupil Personnel Services, CSE or CPSE Chairperson, Case Manager, or other appropriate person shall:

Transmit a copy of the IEP to teachers, related service providers or other service providers with responsibilities for implementing services under the IEP;

Provide (with the IEP), a statement explaining that the IEP is a confidential document, and that redisclosures can only be made under certain circumstances which are provided for in FERPA (the "Buckley Amendment ") and IDEA.

At the CSE meeting, or as soon after the meeting as is practicable (and prior to the implementation of services under the IEP), the CSE chairperson shall designate a member of the professional staff to apprise teachers, support staff or other providers who have responsibilities for providing services under the IEP what those responsibilities are, as well as the accommodations and supports to be provided under the IEP. The designated person will apprise such providers of their responsibilities under the IEP prior to the implementation of the IEP.

Dated: \_\_\_\_\_

(Continued)

**SUBJECT: STUDENT INDIVIDUALIZED EDUCATION PROGRAM (IEP):  
DEVELOPMENT AND PROVISION (Cont'd.)**

**Individual Re-evaluations of Individualized Education Program**

The CSE shall arrange for an appropriate re-evaluation of each student with a disability if conditions warrant a re-evaluation, or if the student's parent or teacher requests a re-evaluation; however, a re-evaluation must take place at least once every three years. The re-evaluation will be conducted by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of the student's disability. The re-evaluation shall be sufficient to determine the student's individual needs, educational progress and achievement, the student's ability to participate in instructional programs in regular education and the student's continuing eligibility for special education. The results of any re-evaluations must be addressed by the CSE/CPSE in reviewing and, as appropriate, revising the student's IEP.

**Use of Recording Equipment at IEP Meetings**

The Board of Education shall allow recording equipment to be used at meetings regarding individualized education programs (IEPs) for students with disabilities.

Education Law Section 4402(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(b)(11), 200.4(b)(4),  
200.4(e)(3), and 200.4(f)

## Students

**SUBJECT: TRANSITION SERVICES**

The Board of Education will provide transition services for students with disabilities who are fifteen (15) and older (and at a younger age if determined appropriate). Additionally, beginning at age fourteen (14), and updated annually, the student's Individualized Education Program (IEP) must include a statement of transition service needs under the applicable components of the student's IEP that focuses on the student's courses of study. As defined by the Commissioner's Regulations, transition services means a coordinated set of activities for a student with a disability, designed within an outcome-oriented process, that promotes movement from a school to post-school activities. Post-school activities include, but are not limited to, post-secondary education, vocational training, integrated competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based on the individual student's needs, taking into account the student's preferences and interests and shall include needed activities in the following areas:

- a) Instruction;
- b) Related services;
- c) Community experiences;
- d) The development of employment and other post-school adult living objectives; and
- e) If appropriate, acquisition of daily living skills and functional vocational evaluation.

20 United States Code (USC) Sections 1400-1485,  
Individuals With Disabilities Education Act (IDEA)  
Education Law Section 4401  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(ss), 200.1(tt), 200.4(c)(2)(v),  
200.4(c)(4), 200.4(d)(3), and 200.5(a)(1)(xii)

Students

**SUBJECT: TWELVE MONTH SPECIAL SERVICES AND/OR PROGRAMS**

The School District shall provide, directly or by contract, special services and/or programs during July and August to those students whose disabilities are severe enough to exhibit the need for a structured learning environment of twelve (12) months duration in order to prevent substantial regression as determined by the Committee on Special Education or Committee on Preschool Special Education. Written consent of the parent is required prior to initial provision of special education services in a twelve-month special service and/or program.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(qq), 200.5(b)(1)(iii),  
200.6(j) and 200.16(h)(3)(v)

Adopted: 8/19/04

## Students

**SUBJECT: IDENTIFICATION AND REGISTER OF CHILDREN WITH DISABILITIES**

The policy of the Board of Education is to conduct a census in order to have all children with disabilities, within its jurisdiction under the age of twenty-one (21) identified, located and evaluated, including children of preschool age and children in all public and private agencies and institutions.

Persons involved in the collection of data must receive prior training and written information regarding data collection procedures.

**Register of Children with Disabilities**

It is the policy of the Board of Education of the Marlboro Central School District to maintain a register containing the data requirements as indicated in the Commissioner's Regulations.

Education Law Sections 3240-3242 and 4402(1)(a)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.2(a)(2)(a-f) and 200.4

NOTE: Refer also to Policy #7150 -- School Census

Adopted: 8/19/04

Students

**SUBJECT: PARENT INVOLVEMENT**

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/guardians and children in the Commissioner's Regulations shall be observed by the School District.

**Surrogate Parents**

In the event that no parent or guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or guardian cannot be determined, or the child with a disability is a ward of the state, the Board shall assign an individual to act as a surrogate for the parents or guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that insure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Education Law Sections 4401 and 4402  
8 New York Code of Rules and Regulations  
(NYCRR) Section 200.5

Adopted: 8/19/04

## Students

**SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS**

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Impartial Hearing Process**

The following is an overview of the Impartial Hearing process:

- a) Either the parent or the School District may request an impartial hearing. If a parent makes the request it must be in writing to the Board of Education describing the nature of the dispute and a proposed resolution of the problem. The District will provide a form for this purpose. However, the District may not deny or delay a parent's right to an impartial hearing if the written request is not complete.

If the District is the party initiating an impartial hearing, the District will provide prior written notice to the parent including a statement of the action proposed and any explanation of why the District proposes to take such action.

- b) Upon receipt of or initiation of a request for an impartial hearing, the District will inform the parent of the availability of mediation, of any free or low-cost legal and other relevant services available in the area, and provide them with a copy of the District's Procedural Safeguards Notice.
- c) The District must immediately [but not later than two (2) business days after receipt of the written request] initiate the process to select an IHO. The District selects the IHO through a rotational selection process in accordance with regulatory timelines. The Superintendent's Secretary/District Clerk will be responsible for contacting IHOs and maintaining appropriate records.
- d) The IHO must be certified by the Commissioner of Education, be independent and have access to the support and equipment necessary to perform the duties of an IHO. When the selected IHO indicates availability, the Board of Education must immediately appoint him/her. To expedite this process the Board may designate one (1) or more of its members to appoint the IHO on behalf of the Board.

(Continued)

Students

**SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

- e) The impartial hearing will be conducted at a location that is reasonable and convenient to the parent and the student involved. The hearing shall be closed to the public unless the parent requests an open hearing.
- f) The IHO presides over the hearing at which the parties have an opportunity to present evidence and testimony.
- g) The student remains in his/her current placement during the pendency of the impartial hearing unless both parties agree and except as otherwise provided for expedited impartial hearings for certain disciplinary suspensions or removals of a student.
- h) The IHO renders and forwards the finding of fact and decision to the parties and to the State Education Department in accordance with regulatory timelines.
- i) The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO).

**Recordkeeping And Reporting**

The District will maintain an alphabetical list of the names of each IHO who is certified in New York State and available to serve in the District. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedule specified by the department. The Superintendent shall designate a staff member(s) who will be responsible for reporting such information as required relating to the impartial hearing process into the State Education Department's web-based reporting system.

**Compensation Of Impartial Hearing Officers**

The District will be responsible for compensating the IHO for pre-hearing, hearing and post-hearing activities at the rate agreed upon at the time of the IHO's appointment. The rate of compensation may not exceed the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for travel and other hearing-related expenses (e.g., duplication and telephone costs) pursuant to an annually determined schedule. On an annual basis, the District will forward a copy of its compensation rates to each IHO on the District's rotational list.

(Continued)

**SUBJECT: IMPARTIAL HEARINGS/SELECTION OF IMPARTIAL HEARING OFFICERS  
(Cont'd.)**

**Mediation**

Mediation is voluntary and does not deny or delay a parent's right to an impartial hearing. If mediation is initiated after a request for an impartial hearing has been received, the impartial hearing must continue unless the request for the impartial hearing is withdrawn. However, a party may request an extension to an impartial hearing in order to pursue mediation.

**Guardians ad Litem at Impartial Hearings**

Unless a surrogate parent has been previously appointed, the IHO must appoint a guardian ad litem when he/she determines that the interests of the parent(s) are opposed to or inconsistent with those of the student or whenever the interests of the student would be best protected by such appointment.

**Confidentiality**

All issues relating to a request for and conduct of an Impartial Hearing must be kept confidential by all District staff.

**Administrative Procedures**

Administrative procedures will be developed for the selection and appointment of an IHO consistent with regulatory requirements.

Education Law Sections 4404(1) and 4410(7)  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1, 200.2, 200.5, 200.16,  
200.21 and 201.11

Students

**SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

Administrative regulations on independent evaluations will be developed in order to explain the rights of parents and the responsibilities of school districts with regard to independent evaluations, and also to avoid any misunderstandings.

8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1(z) and 200.5(g)  
34 Code of Federal Regulations (CFR)  
Sections 300.12 and 300.503

Students

**SUBJECT: SPECIAL EDUCATION MEDIATION**

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center who are not employees of a school district or program serving students with disabilities. Mediators may not have a personal or professional interest which would conflict with their objectivity in the mediation process.

Parents or persons in parental relationship to students suspected of or having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request an impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in federal and state laws and regulations. Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

34 Code of Federal Regulations  
(CFR) Sections 300.500-300.515  
Education Law Section 4404-a  
Judiciary Law Section 849a  
8 New York Code of Rules and Regulations  
(NYCRR) Sections 200.1 and 200.5

Adopted: 8/19/04